9-2-92
Vol. 57 No. 171
Pages 40071-40300

federal register

Wednesday
September 2, 1992

Briefing on How To Use the Federal Register
For information on a briefing in Atlanta, GA, see announcement on the inside cover of this issue.

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THE FEDERAL REGISTER
WHAT IT IS AND HOW TO USE IT

FOR: Any person who uses the Federal Register and Code of Federal Regulations.

WHO: The Office of the Federal Register.

WHAT: Free public briefings (approximately 3 hours) to present:
1. The regulatory process, with a focus on the Federal Register system and the public's role in the development of regulations.
2. The relationship between the Federal Register and Code of Federal Regulations.
3. The important elements of typical Federal Register documents.
4. An introduction to the finding aids of the FR/CFR system.

WHY: To provide the public with access to information necessary to research Federal agency regulations which directly affect them. There will be no discussion of specific agency regulations.

ATLANTA, GA

WHEN: September 17, at 9:00 a.m.
WHERE: Centers for Disease Control
1600 Clinton Rd., NE.
Auditorium A
Atlanta, GA (Parking available)
RESERVATIONS: [404–639–3528 (Atlanta area)]
1–800–347–1997 (outside Atlanta area)

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Presidential Documents

Title 3—

The President

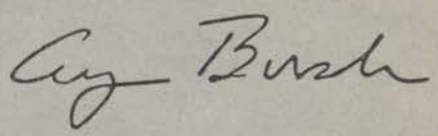
Presidential Determination No. 92–39 of August 17, 1992

Determination Pursuant to Section 2(c)(1) of the Migration and Refugee Assistance Act of 1962, as Amended

Memorandum for the Secretary of State

Pursuant to section 2(c)(1) of the Migration and Refugee Assistance Act of 1962, as amended, 22 U.S.C. 2601(c)(1), I hereby determine that it is important to the national interest that up to $14,000,000 be made available from the U.S. Emergency Refugee and Migration Assistance Fund (the Fund) to meet the unexpected and urgent needs of Angolan refugees and returnees. These funds are to be contributed to the United Nations High Commissioner for Refugees in response to its appeal to assist Angolan refugees and returnees.

You are directed to inform the appropriate committees of the Congress of this determination and the obligation of funds under this authority and to publish this memorandum in the **Federal Register**.



THE WHITE HOUSE,
Washington, August 17, 1992.

[FR Doc. 92–21303
Filed 8–31–92; 3:34 pm]
Billing code 3195–01–M

Presidential Documents

Presidential Determination No. 92–40 of August 17, 1992

Determination Under Subsection 2(b)(2)(D) of the Export-Import Bank Act of 1945, as Amended—Albania

Memorandum for the Secretary of State

Pursuant to subsection 2(b)(2)(D) of the Export-Import Bank Act of 1945, as amended [12 U.S.C. 635(b)(2)(D)], I determine that it is in the national interest for the Export–Import Bank of the United States to guarantee, insure, extend credit, and participate in the extension of credit in connection with the purchase or lease of any product or service by, for use in or for sale or lease to Albania.

You are authorized and directed to report this determination to the Congress and to publish it in the **Federal Register.**

George Bush

THE WHITE HOUSE,
Washington, August 17, 1992.

[FR Doc. 92–21311
Filed 8–31–92; 3:42 pm]
Billing code 3195–01–M

Presidential Documents

Presidential Determination No. 92–42 of August 25, 1992

Determination Pursuant to Section 2(c)(1) of the Migration and Refugee Assistance Act of 1962, as Amended

Memorandum for the Secretary of State

Pursuant to section 2(c)(1) of the Migration and Refugee Assistance Act of 1962, as amended, 22 U.S.C. 2601(c)(1), I hereby determine that it is important to the national interest that up to $12,000,000 be made available from the U.S. Emergency Refugee and Migration Assistance Fund (the Fund) to meet the unexpected and urgent needs of refugees, conflict victims, and displaced persons from the former Yugoslavia. These funds will provide U.S. contributions to the United Nations High Commissioner for Refugees (UNHCR), the International Committee of the Red Cross (ICRC), and the United Nations Children's Fund (UNICEF) in support of their emergency assistance efforts.

You are directed to inform the appropriate committees of the Congress of this determination and the obligation of funds under this authority and to publish this memorandum in the Federal Register.

George Bush

THE WHITE HOUSE,
Washington, August 25, 1992.

[FR Doc. 92-21312
Filed 8-31-92; 3:51 pm]
Billing code 3195-01-M

Presidential Documents

Presidential Determination No. 92–43 of August 25, 1992

Determination Pursuant to Section 2(c)(1) of the Migration and Refugee Assistance Act of 1962, as Amended

Memorandum for the Secretary of State

Pursuant to section 2(c)(1) of the Migration and Refugee Assistance Act of 1962, as amended, 22 U.S.C. 2601(c)(1), I hereby determine that it is important to the national interest that up to $15,200,000 be made available from the U.S. Emergency Refugee and Migration Assistance Fund (the Fund) to meet the unexpected and urgent needs of refugees, conflict victims, and displaced persons in Africa. These funds will be used for U.S. contributions in response to the appeals issued by the United Nations Special Emergency Program for the Horn of Africa (SEPHA) and by the International Committee of the Red Cross (ICRC) for its programs in Somalia and Mozambique.

You are directed to inform the appropriate committees of the Congress of this determination and the obligation of funds under this authority and to publish this memorandum in the **Federal Register**.

George Bush

THE WHITE HOUSE,
Washington, August 25, 1992.

[FR Doc 92-21313
Filed 8-31-92; 3:52 pm]
Billing code 3195-01-M

Presidential Documents

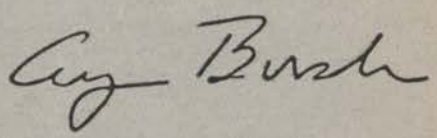
Presidential Determination No. 92–44 of August 25, 1992

Eligibility of the Organization of African Unity (OAU) To Be Furnished Defense Articles and Services Under the Foreign Assistance Act and the Arms Export Control Act

Memorandum for the Secretary of State

Pursuant to the authority vested in me by section 503(a) of the Foreign Assistance Act of 1961, as amended (22 U.S.C. 2311(a)), and section 3(a)(1) of the Arms Export Control Act, as amended (22 U.S.C. 2753(a)(1)), I hereby find that the furnishing of defense articles and services to the Organization of African Unity will strengthen the security of the United States and promote world peace.

You are directed to report this finding to the Congress and to publish it in the **Federal Register**.



THE WHITE HOUSE,
Washington, August 25, 1992.

[FR Doc. 92–21315
Filed 8–31–92; 4:05 pm]
Billing code 3195–01–M

Rules and Regulations

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DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 1207

[AMS-FV-91-235A]

RIN 0581-AA47

Potato Research and Promotion Plan; Termination of Obsolete Provisions of the Plan and Amendments to the Rules and Regulations Issued Thereunder

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Interim final rule with request for comments.

SUMMARY: This action: (1) Terminates obsolete provisions in the Potato Research and Promotion Plan (Plan) and the Rules and Regulations issued thereunder that provide for the one-time refund of assessments; and (2) provides assessment rates for imported processed potato products. This action is based on the vote in a referendum conducted in August and September 1991. In the referendum, domestic potato producers and importers favored levying assessments on imported potatoes, seed potatoes, and processed potato products and terminating the Plan's refund provisions.

DATES: This interim final rule is effective September 2, 1992, except that § 1207.510(b) is effective November 2, 1992. Comments must be received by October 2, 1992.

ADDRESSES: Interested persons are invited to submit written comments concerning this action. Comments must be sent in triplicate to the Docket Clerk, Research and Promotion Branch, F&V, AMS, USDA, room 2533-So., P.O. Box 96456, Washington, DC 20090-6456. Comments should reference the docket number and the date and page number of this issue of the **Federal Register** and will be available for public inspection in the Office of the Docket Clerk during regular business hours. Comments concerning the information collection requirements contained in this action should be sent to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503, attn: Desk Officer for the Agricultural Marketing Service, USDA.

FOR FURTHER INFORMATION CONTACT: Georgia C. Abraham, Research and Promotion Branch, F&V, AMS, USDA, room 2533-So., P.O. Box 96456, Washington, DC 20090-6456; telephone (202) 720-5057.

SUPPLEMENTARY INFORMATION: These amendments to the Plan are issued pursuant to the Potato Research and Promotion Act, as amended on November 28, 1990 (104 Stat. 3865, 7 U.S.C. 2611 *et seq.*), hereinafter referred to as the Act.

This rule has been reviewed by the U.S. Department of Agriculture (Department) in accordance with Departmental Regulation 1512-1 and the criteria contained in Executive Order 12291 and has been determined to be a "non-major" rule.

This interim rule has been reviewed under Executive Order 12778, Civil Justice Reform. It is not intended to have retroactive effect. This interim rule will not preempt any state or local laws, regulations, or policies unless they present an irreconcilable conflict with this rule.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 311 of the Act, a person subject to a plan may file a petition with the Secretary stating that such plan, any provision of such plan or any obligation imposed in connection with such plan is not in accordance with law; and requesting a modification of the plan or an exemption from the plan. Such person is afforded the opportunity for a hearing on the petition. After the hearing, the Secretary would rule on the petition. The Act provides that the district court of the United States in any district in which such person is an inhabitant, or has a principal place of business, has jurisdiction to review the Secretary's ruling on the petition, provided that a complaint is filed within 20 days after the date of entry of the ruling.

Pursuant to the requirements set forth in the Regulatory Flexibility Act (RFA), the Administrator of the Agricultural Marketing Service (AMS) has considered the economic impact of this action on small entities.

There are an estimated 2,000 handlers, 6,000 producers, 80 importers of potatoes and potato products for human consumption, and 25 importers of seed potatoes who are subject to the provisions of the Plan. The majority of these persons may be classified as small agricultural producers and small agricultural service firms. Small agricultural producers are defined by the Small Business Administration (13 CFR 121.601) as those having annual receipts of less than $500,000, and small agricultural service firms are defined as those whose annual receipts are less than $3,500,000. The majority of potato handlers and producers may be classified as small entities. During the 1990 crop year, 397 million hundredweight of potatoes were produced in the United States. Imports of potatoes for 1990, as reported by the Foreign Agricultural Service, were 7,910,500 hundredweight. Of this total, 4,823,040 hundredweight of tablestock potatoes, 2,009,720 hundredweight of seed potatoes, and 982,500 hundredweight of frozen potato products were imported from Canada. Potato chip imports from Mexico accounted for 37,340 hundredweight of total imports.

Domestic potato producers are no longer able to apply for and receive refunds of assessments. Importers are subject to the Act's provisions requiring importers to share the cost of the program with domestic potato producers on an equal basis. This burden is not considered significant in light of the benefits all potato producers and importers receive from this program.

The reporting burden for domestic potato producers and importers will decrease since they are no longer required to complete the forms necessary to receive the one-time refund of assessments paid. The reporting burden on importers requires approximately 6 hours per year for each importer of potatoes and potato products for human consumption and for each importer of seed potatoes.

In accordance with the Paperwork Reduction Act (PRA) of 1980 (44 U.S.C. chapter 35) and Office of Management and Budget (OMB) regulations (5 CFR

part 1320), the information collection and recordkeeping requirements contained in this action were submitted to the OMB and approved under OMB control numbers 0581–0093 and 0505–0001. Comments concerning the information collection requirements contained in this action should be sent to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503, attn: Desk Officer for the Agricultural Marketing Service, USDA.

The Plan, as amended in the August 14, 1991, issue of the **Federal Register** (56 FR 40226), authorizes the National Potato Promotion Board (Board) to collect assessments on potatoes and potato products for human consumption, and on seed potatoes imported into the United States from foreign countries. Importers of such potatoes, potato products, and seed potatoes are required to submit such reports to the Board as it deems necessary to administer the provisions of the Plan. However, no immediate reporting requirements by importers are contemplated at this time since the Department will enter into an agreement with the United States Customs Service (Customs Service) of the Department of the Treasury whereby the Customs Service will collect assessments on imported potatoes, potato products, and seed potatoes. Importers are required to maintain records, and such records will be subject to inspection. Records are required to be maintained for 2 years beyond the close of the fiscal year in which they were created.

It is estimated that approximately 105 importers are subject to these requirements. Because the assessment is levied at the time of importation or withdrawal for consumption into the United States, there are no added reporting requirements on importers.

The August 14, 1991, rule amended the Plan to conform with amendments made to the Potato Research and Promotion Act of 1971 by the Food, Agriculture, Conservation, and Trade Act of 1990. Amendments to the Plan included: (1) Adding the authority to levy assessments on imported potatoes, potato products, and seed potatoes equal to that levied on domestic production, and providing for importer representation on the Board; and (2) eliminating the provisions of the Plan which permitted refunds of assessments. The August 14 rule also directed that a referendum be conducted to determine whether or not a majority of producers and importers voting favored continuance of these amendments. During the referendum, conducted from August 19 to September 6, 1991, a majority of the producers and importers voting in the referendum favored continuance of the amendments.

Section 315 of the Act provides the Secretary the authority to terminate provisions of the Plan which do not tend to effectuate the declared policy of the Act. Paragraph (k) of § 1207.328 and § 1207.343 of the Plan and § 1207.514 of the rules and regulations which, respectively, established an escrow account and permitted the one-time refund of assessments if producers and importers did not favor continuance of the amendments as stated in the above paragraph, were rendered obsolete by the results of the referendum conducted from August 19 to September 6, 1991. Therefore, this interim final rule terminates paragraph (k) of § 1207.328 and § 1207.343 of the Plan and § 1207.514 of the rules and regulations.

To facilitate collection of the assessments on imported potatoes, potato products, and seed potatoes, the Department and the Customs Service will enter into an agreement whereby the Customs Service is designated as the collecting agency for assessments levied on such imports. Since all imported potatoes, potato products, and seed potatoes are imported into the United States under the supervision and control of the Customs Service, this is an appropriate and efficient method to collect the assessment.

Therefore, this interim final rule also incorporates the Harmonized Tariff Schedule (HTS) codes of the Customs Service and establishes rates of assessment for the various kinds of processed potato products imported into the United States including, but not limited to, the following: frozen (french fries, tater tots, hashbrown potatoes, etc.); canned; chips and shoestring potato sticks; and dehydrated (flakes, granules, etc.). This is accomplished by revising § 1207.510 to add the conversion factors and assessment rates for potato imports.

The amended Act requires the assessment rate for imported tablestock, frozen or processed potatoes for ultimate consumption by humans, and seed potatoes to equal the effective assessment rate for domestic potato production. Since imported tablestock and seed potatoes do not undergo processing procedures that substantially alter the original product, the assessment rate for imported tablestock and seed potatoes was established at 2 cents per hundredweight in the August 14, 1991, revision of the Plan and the rules and regulations (§ 1207.510(a)). It is necessary, however, to establish conversion factors in order to compute assessment rates for processed potato products that equal fresh weight equivalents of potatoes.

The Board submitted conversion factors based on data published by the Department's Economic Research Service in Statistical Bulletin No. 825, "Food Consumption, Prices, and Expenditures, 1968–89." The Department has found these factors satisfactory and has adopted them in determining the assessment rates for imported processed potato products. The conversion factor for frozen potato products is .50. This translates into an assessment rate of 4 cents per hundredweight or 0.0882 cents per kilogram of finished product. The conversion factor for canned potatoes is .636; the assessment rate is 3.1446 cents per hundredweight or 0.0693 cents per kilogram. The conversion factor for potato chips and shoestring potatoes is .245; the assessment rate is 8.1633 cents per hundredweight or 0.1800 cents per kilogram. The conversion factor for dehydrated potato products is .14; the assessment rate is 14.2857 cents per hundredweight or 0.3149 cents per kilogram. Since most countries exporting potatoes and potato products to the United States use the metric system, the Customs Service requires that assessment rates be expressed in metric weights. The assessment rates are given in both U.S. and metric weight equivalents in the table in paragraph (b)(3) of § 1207.510. The collection of assessments on imports will begin 60 days after publication of this rule in the **Federal Register**. This will allow the Customs Service sufficient time to prepare for collection of the assessments on imports.

In addition, this action adds a new paragraph (c) to § 1207.500 to provide a definition for imported frozen or processed potatoes for ultimate consumption by humans. The authority citation for part 1207 is also revised.

In the August 14, 1991, revision of the Plan and the rules and regulations, paragraph (d) of § 1207.320 was redesignated as paragraph (e). A reference to this paragraph in paragraph (a) of § 1207.325 was not changed to reflect the new paragraph number. Therefore, in order to avoid confusion, the reference to paragraph (d) is terminated from paragraph (a) of § 1207.325.

Based on the above, the Administrator of the AMS has determined that the issuance of this interim final rule will not have a significant economic effect on a substantial number of small entities.

After consideration of all relevant material presented, it is found that the amendments to the rules and regulations, as hereinafter set forth, will tend to effectuate the declared policy of the Act. With regard to the termination of provisions in the Plan and the rules and regulations, as hereinafter set forth, it is found that these provisions no longer tend to effectuate the declared policy of the Act.

All written comments received in response to this publication by the date specified herein will be considered prior to finalizing this action.

Pursuant to the provisions in 5 U.S.C. 553, it is found and determined upon good cause that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice prior to putting this rule into effect and that good cause exists for not postponing the effective date of this action (except for § 1207.510(b)) until 30 days after publication in the **Federal Register** because: (1) This action is required by the 1990 amendments to the Act and the 1991 amendments to the Plan; (2) a 30-day period is provided to allow interested parties to comment prior to finalization; and (3) no useful purpose would be served by a delay of the effective date.

PART 1207—POTATO RESEARCH AND PROMOTION PLAN

1. The authority citation for 7 CFR part 1207 is amended to read as follows:

Authority: Potato Research and Promotion Act, as amended, 7 U.S.C. 2611 *et seq.*

§ 1207.325 [Amended]

2. Paragraph (a) of § 1207.325 is amended by removing the reference to paragraph "d."

§ 1207.328 [Amended]

3. In § 1207.328, paragraph (k) is removed.

§ 1207.343 [Reserved]

4. Section 1207.343 is removed and reserved.

5. Section 1207.500 is amended by adding paragraph (c) to read as follows:

§ 1207.500 Definitions.

* * * * *

(c) *Imported frozen or processed potatoes for ultimate consumption by humans. Imported frozen or processed potatoes for ultimate consumption by humans* means products which are imported into the United States which the Secretary determines contain a substantial amount of potato.

6. Section 1207.510 is revised to read as follows:

§ 1207.510 Levy of assessments.

(a) *Domestic assessments.* (1) An assessment rate of 2 cents per hundredweight shall be levied on all potatoes produced within the 50 States of the United States.

(2) No assessment shall be levied on potatoes grown in the 50 States of the United States by producers of less than 5 acres of potatoes.

(b) *Assessments on imports.* (1) An assessment rate of 2 cents per hundredweight shall be levied on all tablestock potatoes imported into the United States for ultimate consumption as human food and all seed potatoes imported into the United States. An assessment rate of 2 cents per hundredweight shall be levied on the fresh weight equivalents of frozen or processed potatoes imported into the United States for ultimate consumption as human food. The importer of imported tablestock potatoes, potato products, or seed potatoes shall pay the assessment to the Board through the U.S. Customs Service at the time of entry or withdrawal for consumption of such potatoes and potato products into the United States.

(2) The following conversion factors shall be used to determine the fresh weight equivalents of frozen and processed potato products:

Frozen potato products	.50
Canned potatoes	.636
Potato chips and shoestring potatoes	.245
Dehydrated potato products	.14

(3) The Harmonized Tariff Schedule (HTS) categories and assessment rates on imported tablestock potatoes and frozen or processed potato products for ultimate consumption by humans and on seed potatoes are as follows:

Tablestock potatoes, processed potato products, and seed potatoes	Assessment	
	Cents/cwt	Cents/kg
0701.10.0020	2.00	0.0441
0701.10.0040	2.00	0.0441
0701.90.1000	2.00	0.0441
0701.90.5010	2.00	0.0441
0701.90.5020	2.00	0.0441
0701.90.5030	2.00	0.0441
0701.90.5040	2.00	0.0441
0710.10.0000	4.00	0.0882
2004.10.4000	4.00	0.0882
2004.10.8020	4.00	0.0882
2004.10.8040	4.00	0.0882
2005.20.6060	3.1446	0.0693
0712.10.0000	14.2857	0.3149
1105.10.0000	14.2857	0.3149
1105.20.0000	14.2857	0.3149
2005.20.6040	14.2857	0.3149
2005.20.2000	8.1633	0.1800

(4) No assessments shall be levied on otherwise assessable potatoes which are contained in imported products wherein potatoes are not a principal ingredient.

(c) Potatoes used for other nonhuman food purposes, including starch, are exempt from assessment but are subject to the disposition of exempted potatoes provisions of § 1207.515 of this subpart.

(d) No more than one such assessment shall be made on any potatoes or potato products.

§ 1207.514 [Reserved]

7. Section 1207.514 is removed and reserved.

Dated: August 26, 1992.

John E. Frydenlund,

Deputy Assistant Secretary, Marketing and Inspection Services.

[FR Doc. 92-21062 Filed 9-1-92; 8:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF ENERGY

Office of the Secretary

10 CFR Part 600

Financial Assistance Rules; Continuation Awards

AGENCY: Department of Energy.

ACTION: Final rule.

SUMMARY: The Department of Energy (DOE) today is amending Subpart A of the Financial Assistance Rules, 10 CFR part 600, to permit a continuation application for a research award to be submitted without detailed budgetary information. This rule is issued in response to the President's Regulatory Review Program. This rule permits recipients of research awards, in certain cases, to submit requests for continuation funding without detailed budgetary information on how funds are to be spent in the upcoming period.

EFFECTIVE DATE: October 2, 1992.

FOR FURTHER INFORMATION CONTACT:

Edward F. Sharp, Business and Financial Policy Division (PR-122), U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586-8192.

Mary Ann Masterson, Office of the Assistant General Counsel, Procurement and Finance (GC-34), U.S. Department of Energy, Washington, DC 20585, (202) 586-1900.

SUPPLEMENTARY INFORMATION:

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I. Introduction

DOE is amending its Financial Assistance Rules (Rules) to permit recipients of research awards, in certain cases, to submit requests for continuation funding without detailed budgetary information on how funds are to be spent in the upcoming period. This will be permitted in those situations in which a new or renewal application contains detailed future-year budgets, which permit DOE to evaluate the future years at the time the initial award is made. Should there be a significant change in the direction of the project or the budget, a detailed budget could still be required for a continuation award. This rulemaking is in response to the President's memoranda on "Reducing the Burden of Government Regulation," dated January 28, 1992, and on "Implementing Regulatory Reforms," dated April 29, 1992.

II. Changes to 10 CFR Part 600

Section 600.10(e)(3) is changed to include a cross-reference to § 600.31.

Section 600.31(b)(3) is changed to permit a continuation award to be made without a detailed budget being submitted with the continuation application if the new or renewal award contained detailed future-year budgets.

III. Discussion of Comments on Proposed Rule

Three comments were received, which supported the proposed change because it would ease the paperwork burden associated with the award and administration of research financial assistance, in a manner consistent with sound financial management practices. No comments in opposition to the proposed change were received.

IV. Review Under Executive Order 12612

Executive Order 12612 requires that regulations, rules, legislation, and any other policy actions be reviewed for any substantial direct effects on States, on the relationship between the Federal Government and the States, or in the distribution of power and responsibilities among various levels of Government. If there are sufficient substantial direct effects, then the Executive order requires preparation of a federalism assessment to be used in all decisions involved in promulgating and implementing a policy action.

Today's rule will revise certain policy and procedural requirements. However, DOE has determined that the revision will not have a substantial direct effect on the institutional interests or traditional functions of States.

V. Review Under Executive Order 12291

Today's rule was reviewed under Executive Order 12291. DOE has concluded that the rule is not a "major rule," as therein defined, because its promulgation will not result in: (1) an annual effect on the economy of $100 million or more; (2) a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of U.S. based enterprises to compete in domestic or export markets. In accordance with requirements of Executive Order 12291, this rulemaking has been reviewed by the Office of Management and Budget (OMB).

VI. Review Under the Regulatory Flexibility Act

This rule was reviewed under the Regulatory Flexibility Act of 1980, Public Law 96–354, 94 Stat. 1164, which requires preparation of a regulatory flexibility analysis for any regulation that will have a significant economic impact on a substantial number of small entities; i.e., small businesses, small organizations, and small governmental jurisdictions. DOE has concluded that the rule would only affect small entities as they apply for and receive financial assistance, and does not create additional economic impact on small entities as a whole. DOE certifies that this rule will not have a significant economic impact on a substantial number of small entities and, therefore, no regulatory flexibility analysis has been prepared.

VII. Review Under the Paperwork Reduction Act

No information collection or recordkeeping requirements are imposed upon the public by this rulemaking. Accordingly, no OMB clearance is required under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501, *et seq.*, or OMB's implementing regulations at 5 CFR Part 1320.

VIII. Review Under the National Environmental Policy Act

DOE has concluded that promulgation of this rule clearly would not represent a major Federal action having significant impact on the human environment under the National Environmental Policy Act (NEPA) of 1969 (42 U.S.C. 4321, *et seq.* (1976)), the Council on Environmental Quality Regulations (40 CFR parts 1500–1508), and DOE guidelines (10 CFR Part 1021) and, therefore, does not require an environmental impact statement pursuant to NEPA.

IX. Review Under Executive Order 12778

Section 2 of Executive Order 12778 instructs each agency subject to Executive Order 12291 to adhere to certain requirements in promulgating new regulations and reviewing existing regulations. These requirements, set forth in sections 2 (a) and (b)(2), include eliminating drafting errors and needless ambiguity, drafting the regulations to minimize litigation, providing clear and certain legal standards (whether they are engineering or performance standards), and promoting simplification and burden reduction. Agencies are also instructed to make every reasonable effort to ensure that the regulation specifies clearly any preemptive effect, effect on existing Federal law or regulation, and retroactive effect; describes any administrative proceedings to be available prior to judicial review and any provisions for the exhaustion of such administrative proceedings; and defines key terms. DOE certifies that today's rule meets the requirements of sections 2 (a) and (b) of Executive Order 12778.

List of Subjects in 10 CFR Part 600

Cooperative agreements/energy; Educational institutions; Energy; Grants/energy; Non-profit organizations; Reporting requirements.

In consideration of the foregoing, the Department of Energy hereby amends chapter II of Title 10 of the Code of Federal Regulations by amending part 600 as set forth below.

Issued in Washington, DC, August 26, 1992.

Berton J. Roth,

Acting Director, Office of Procurement, Assistance, and Program Management.

For the reasons set out in the preamble, part 600 of chapter II, title 10 of the Code of Federal Regulations is amended as follows:

PART 600—FINANCIAL ASSISTANCE RULES

1. The authority citation for part 600 continues to read as follows:

Authority: Secs. 644 and 646, Pub. L. 95–91, 91 Stat. 599 (42 U.S.C. 7254 and 7256); Pub. L.

97–258, 96 Stat. 1003–1005 (31 U.S.C. 6301–6308), unless otherwise noted.

2. Section 600.10 is amended by revising paragraph (e)(3) to read as follows:

§ 600.10 Form and content of applications and preapplications.

* * * * *

(e) * * *

(3) A budget with supporting justification (see §§ 600.31, 600.102, and 600.203); and

* * * * *

3. Section 600.31 is amended by revising paragraph (b)(3) to read as follows:

* * * * *

§ 600.31 Funding.

* * * * *

(b) * * *

(3) A detailed budget for the upcoming budget period, including an estimate of unobligated balances (§ 600.32(c)). For research awards, a detailed budget need not be submitted if the new or renewal application contains future-year budgets sufficiently detailed to allow DOE to review and approve the categories and elements of cost. Should the research award have a change in scope or significant change in the budget, DOE may request a detailed budget. DOE shall review a continuation application for the adequacy of the awardee's progress and planned conduct of the project in the subsequent budget period. DOE shall not require a continuation application to compete against any other application. The amount and award of continuation funding is subject to the availability of appropriations.

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[FR Doc. 92–21021 Filed 9–1–92; 8:45 am]

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DEPARTMENT OF THE TREASURY

Office of Thrift Supervision

12 CFR Parts 545, 562, 563, 563c, and 571

[No. 92–221]

RIN 1550–AA31

Accounting and Reporting Requirements

AGENCY: Office of Thrift Supervision, Treasury.

ACTION: Final rule.

SUMMARY: The Office of Thrift Supervision (OTS) is amending its accounting regulations to implement sections 4(b) and 4(c) of the Home Owners' Loan Act (HOLA), as amended by the Financial Institutions Reform, Recovery, and Enforcement Act of 1989. The regulatory changes also re-designate existing accounting regulations into a new part of the Code of Federal Regulations (CFR). The regulatory changes also amend the financial management regulations for obvious contradictions with other regulations and policies. The OTS is planning a more substantive revision of the affected regulations in the near future.

EFFECTIVE DATE: October 2, 1992.

FOR FURTHER INFORMATION CONTACT: David H. Martens, Chief Accountant, OTS, (202) 906–5646, Arthur Lindo, Senior Accountant, (202) 906–5642, Supervision Policy; Deborah Dakin, Assistant Chief Counsel, (202) 906–6445, Regulations and Legislation Division, Office of Thrift Supervision, 1700 G Street NW., Washington, DC 20552.

SUPPLEMENTARY INFORMATION:

Historically, the Federal Home Loan Bank Board (FHLBB), the predecessor to the OTS, established various accounting and financial reporting requirements for savings associations. These requirements occasionally differed from generally accepted accounting principles (GAAP) and when this occurred, such requirements were referred to as regulatory accounting practices. Regulatory accounting practices were often less stringent than GAAP.

The Competitive Equality Banking Act of 1987, Public Law No. 100–86, 101 Stat. 552, (CEBA) amended HOLA to require the FHLBB to prescribe uniformly applicable accounting standards to be used by all associations for the purpose of determining compliance with any rule or regulation of the FHLBB to the same degree that GAAP is used to determine compliance with rules and regulations of the Federal banking agencies. (The term "Federal banking agencies" means the Office of the Comptroller of the Currency, the Board of Governors of the Federal Reserve System, and the Federal Deposit Insurance Corporation.) To implement the statute, the FHLBB promulgated 12 CFR 563.23–3, now 12 CFR 563.233, which requires all unaudited financial statements and financial reports submitted to the OTS and Statements of Condition be prepared in accordance with GAAP.

The Financial Institutions Reform, Recovery, and Enforcement Act of 1989, Public Law No. 101–73, 103 Stat. 183 ("FIRREA"), amended section 4(b)(1) of HOLA to require the Director of the OTS ("the Director") to prescribe, by regulation, uniform accounting and disclosure standards for savings associations, to be used to determine savings associations' compliance with all applicable regulations. Section 4(b)(2) requires that these uniform accounting standards for savings associations incorporate GAAP to the same degree that such principles are used to determine compliance with regulations prescribed by the Federal banking agencies. This section is comparable to the CEBA requirement. However, section 4(b)(3) allows the Director to, at any time, prescribe more stringent standards than required above if the Director determines that the more stringent standards are necessary to ensure to safe and sound operation of savings associations. Also, section 4(c) of HOLA requires that all regulations and policies of the OTS governing the safe and sound operation of savings associations be no less stringent than those established by the Comptroller of the Currency for national banks.

As a result of the above amendments of HOLA, the accounting rules applied by the OTS to savings associations must, at a minimum, follow GAAP where GAAP is employed by the other federal banking agencies and is the referenced standard; may be more stringent than GAAP when the Director determines it is necessary for safety and soundness purposes; and must be at least as stringent as the accounting standards applied to national banks by the Comptroller of the Currency.

In order to implement these amendments, the final rule adds two terms to the regulatory vernacular. The final rule defines "regulatory reports" as any report that the OTS uses to determine compliance with its rules and regulations including those reports used to monitor the safe and sound operation of savings associations. Reports of Examination and the Thrift Financial Report (TFR) are examples of regulatory reports. Regulatory reports are supervisory and regulatory documents, not accounting documents. The final rule also defines "regulatory reporting requirements" as the instructions for preparing regulatory reports, such as provided in the TFR, OTS regulations, bulletins, and examination handbooks. Regulatory reporting requirements encompass OTS accounting instructions and safety and soundness requirements.

The Federal banking agencies, including the Office of the Comptroller of the Currency, utilize the term "regulatory reporting requirements" in the same manner as the OTS. The Federal banking agencies' regulatory reporting requirements are intended to focus upon the special supervisory, regulatory, and economic needs

applicable to the regulation of banks. The Federal banking agencies discuss their regulatory reporting requirements in the instructions to the Federal Financial Institutions Examination Council's (FFIEC) forms FFIEC 031, 032, 033, and 034: Consolidated Reports and Condition and Income. These forms are collectively referred to as "the Call Report" and serve the same supervisory purpose as the OTS's Thrift Financial Report. Those agencies also discuss regulatory reporting requirements, including accounting instructions and safety and soundness requirements, in their respective examination policies, handbooks and other guidance, such as the Office of the Comptroller of the Currency's banking circulars and the Federal Deposit Insurance Corporation's memoranda to Regional Directors.

The OTS is adopting the following basic standards for regulatory reporting requirements. First, the accounting instructions prescribed for regulatory reports will incorporate GAAP when GAAP is the accounting instruction used by the Federal banking agencies. Second, savings association transactions, financial condition, and regulatory capital must be reported and disclosed in accordance with OTS regulatory reporting requirements consistent with TFR instructions, regulations, bulletins, examination handbooks, and safe and sound practices. Safety and soundness requirements will be no less stringent than those applied by the Comptroller of the Currency to national banks. Third, the Director may prescribe regulatory reporting requirements more stringent than GAAP whenever the Director determines that such requirements are necessary to ensure the safe and sound reporting and operation of savings associations.

Regulatory reporting requirements are applicable to all information in regulatory reports. Regulatory reporting requirements that are not consistent with GAAP, if any, are not required to be reflected in audited financial statements and financial statements contained in securities filings submitted to the OTS pursuant to the Securities Exchange Act of 1934 (1934 Act) or parts 563b, 563d or 563g of the OTS's regulations (Securities filings). Applicable federal securities laws and regulations require securities filings to comply with GAAP, and thus securities filings utilize the reporting requirements referenced in 12 CFR parts 563b, 563c, 563d, and 563g.

Accounting instructions requiring the use of GAAP implicitly incorporate the definition of GAAP that is widely recognized by prudent accounting professionals. The application of accounting instructions and GAAP in regulatory reports must achieve the fundamental objectives of financial accounting; that is to provide reliable financial information about economic resources, and obligations of a business enterprise. The application of accounting instructions, including GAAP instructions, must also incorporate the needs and expectations of the OTS. Regulatory reporting requirements will establish the accounting instructions that should be applied when there is unacceptable diversity in GAAP practices. In such cases, the OTS's accounting instructions must be followed for purposes of regulatory reporting.

Compliance by savings associations with regulatory reporting requirements will be a matter of regulatory judgment. Regulatory reporting requirements will be issued in the OTS's TFR instructions, regulations, bulletins, and examination handbooks. The OTS encourages savings associations and their professional advisors to discuss anticipated unique and unusual transactions with the OTS's examination staff so that regulatory reports will be acceptable to the OTS. A pre-filing conference can be useful in improving the mutual understanding of the transaction in question and in determining the acceptable regulatory reporting requirements.

The final rule also changes the accounting instructions for Statements of Condition. Statements of Condition will be prepared based on regulatory reporting requirements. As a result, OTS expects the statement of condition to be consistent with the TFR. A duly authorized officer of the savings association is required to attest to the accuracy of the information. Statements of condition must be published in a local newspaper and made conspicuously available to the public at the association's home office and branch locations. Statements of condition must also contain disclosures on how a copy of the audited financial statements may be obtained and the amount of regulatory capital that the savings association has available to meet its regulatory capital requirements. Regulatory capital requirements for savings associations are defined in 12 CFR part 567 and include individual minimum capital requirements. Alternatively, a savings association may satisfy this requirement by publishing a statement of condition in a local newspaper and making copies of its audited financial statements conspicuously available to the public at its home office and branch locations.

Finally, the OTS has consolidated and recodified all accounting and reporting regulations for savings associations, except those for securities filings. Four sections of part 545, which pertains only to Federally chartered associations, have been removed and combined with similar sections in subchapter D—Regulations Affecting All Savings Associations. The OTS has removed these sections and combined them with similar requirements found in subchapter D to avoid duplication and inconsistencies between the two sets of requirements. The affected regulations are currently located at 12 CFR 545.111, 545.113, 545.114, 545.115, 563.46, 563.172, 563.173(f), 563.174, 563.175, 563.231, 563.233, 563.234, 563c.10, 563c.12, 563c.13, and 571.18. Part 562 consolidates all accounting and reporting regulations for savings associations. The OTS has amended the above referenced regulations only for obvious contradictions with other regulations and policies. The OTS plans a substantive revision of the recodified regulations in the near future.

Summary of Comments

The OTS received 33 comment letters on the proposed rule. Of these, 19 letters were received from savings associations, 7 letters were received from trade associations, 4 letters were received from accounting firms, 2 letters were received from investment advisors and mortgage product companies, and 1 letter was received from a federal banking agency. The letters responded to concerns in four general areas: (1) Various issues concerning GAAP; (2) requirements for statements of condition; (3) the impact of vague standards and definitions; and (4) technical changes to regulations. The comments received on each of these areas are specifically addressed below.

A. GAAP Related Issues

Twenty two comments were directed at the OTS's description of various aspects of GAAP and the authority to promulgate GAAP. Most of the commentators questioned the need for a new set of standards. Commentators argued that standards which differ from GAAP would serve to expand rather than eliminate the differences among financial institution reporting. These respondents were concerned with inferences in the proposed rule which indicate that current GAAP practice allows savings associations to select the accounting treatment that best suits their objectives. Respondents indicated

that GAAP does not generally lend itself to this type of interpretation when applied properly and was unfairly characterized by the OTS.

A number of commentators specifically indicated that the OTS is not empowered to promulgate GAAP. Respondents believed that the OTS, while properly having input into the promulgation of GAAP, should let the accounting profession establish GAAP through its established procedures. Respondents indicated that the Financial Accounting Standards Board (FASB) and the American Institute of Certified Public Accountants (AICPA) are two organizations recognized by the accounting profession as having the authority to promulgate GAAP and that the OTS should work with these bodies to establish accounting standards.

Respondents also expressed concern that such standards would essentially require savings associations to maintain two sets of books; one set for their GAAP reports and one for supervisory reports. Respondents found the idea of a new set of standards to be unjustified, excessive and wasteful. Thus, respondents recommended that the OTS utilize GAAP standards and reflect safety and soundness concerns through other regulatory vehicles such as regulatory capital.

B. Requirements for Statements of Condition

Eleven commentators indicated that the requirements for statements of condition were unreasonable. Most respondents believed that the use of regulatory reporting requirements as the reporting basis for these reports was inappropriate since they are intended for the use of the general public rather than the OTS. These commentators stated that general purpose financial statements should utilize GAAP reporting since it provides the reviewer with a standard basis of comparison for all entities. In a related matter, respondents argued for the reinstatement of the statement of condition filing exemption for associations that transmit an annual report to their voting members or shareholders. The respondents' contention is that the exemption for these associations is based on a rationale similar to the one used by the OTS to exempt associations that file financial statements pursuant to the 1934 Act from filing statements of condition.

Other commentators indicated concern for perceived extremes in the required footnote disclosures. More specifically, respondents challenged whether the public has a right to obtain copies of audited financial statements for entities that do not file financial statements pursuant to the 1934 Act. Respondents also argued that disclosure of capital information in the statement of condition footnotes would likely be a source of confusion to the public and should therefore, be eliminated. Finally, respondents stated that the requirement to publish the statement of condition within 30 days after year end made it virtually impossible to report accurate information in several areas, most notably the calculation of the regulatory capital information required by the footnote.

C. The Impact of Vague Standards and Definitions on the Industry

Eleven respondents commented on the anticipated impact the proposed rule would have on the savings association industry. The commentators indicated that due to the vague nature of the standards, in particular the economic substance over form standard, the standards would likely result in a very subjective interpretation of transactions by the OTS. Respondents were concerned that the OTS would second guess savings association accounting practices undertaken in good faith. A common theme was that the OTS, with the benefit of hindsight, would inappropriately utilize information that was unavailable at the time of the transaction. Moreover, respondents stated that the rule requires savings associations to justify its decisions when they are second guessed rather than the OTS. The standards do not purport to provide guidance on specific transactions yet allow savings associations to be penalized for reporting transactions in accordance with established principles.

A number of respondents perceived the economic substance standard as an attempt by the OTS to impose market value accounting on associations without adequate discussion and debate. They contended that such action would not be advisable without detailed assessment of the volatility that market valuations produce. Furthermore, the respondents perceived that the likely outcome of market value accounting would be unfair to savings associations unless it was applied simultaneously to other types of financial institutions. In this regard, respondents were concerned that the disclosure of reports to the public based on economic substance standards would promote a misconception that bank assets and liabilities are not as unstable or rate sensitive as savings associations. A few commentators recommended a compromise position that would disclose market value data in a supplemental report rather than through the use of economic substance standards.

Several commentators expressed concern over ambiguities in the definitions of supervisory reports and regulatory reporting requirements. The respondents were particularly concerned that the definition of supervisory reports could be construed to include audited financial statements submitted to the OTS. The respondents contend that considerable uncertainty would surround any audit opinion on these general purpose financial statements. The respondents contended that the exclusion of the term "audited financial statements" from the definition in general is consistent with the specific exclusion granted for financial statements filed pursuant to the Securities and Exchange Act of 1934.

Other commentators were concerned with the definition of regulatory reporting requirements. A few commentators typified the group's concerns in this area. Respondents asked whether the standard requiring "GAAP whenever it is the referenced standard of the federal banking agencies" means that savings associations should default to the bank Call Report instructions for guidance. Another respondent recommended that the OTS clarify its position by references to the annual report of differences in accounting standards among the Federal banking agencies and the OTS that is reported to the House and Senate Banking Committees. Overall, the commentators contended that the rule would not necessarily promote the safety and soundness objectives of FIRREA but rather introduce greater uncertainty and volatility into the savings association industry.

D. Technical Changes to Regulations

Nine respondents commented on technical changes that were made to the recodified regulations or are warranted. Several respondents expressed concern over the elimination of the term Net Realizable Value from the real estate valuation regulation in section 12 CFR 562.4. Those respondents perceived this change as an attempt to establish a new valuation methodology for real estate assets without adequate public comment. They recommended that the OTS include the public in any deliberations to establish a new methodology for real estate valuation.

A few commentators indicated that the requirement to maintain records at locations within 100 miles of a savings

association's home office contained in section 12 CFR 562.1(b)(1) is impractical. They contended that the modern savings association operation utilizes some form of electronic data processing services, remote or specialized processing facilities, and multiple branch and state networks that can easily exceed this limit for valid reasons. They recommended that the requirement be removed. Another commentator stated that the requirement in 12 CFR 562.1(b)(1)(ii) for a savings association to close its books annually no less than 15 days or more than 3 months and 15 days prior to its annual board meeting was not always practical. The respondent recommended that the OTS be more flexible to accommodate unforeseen scheduling difficulties.

A couple of respondents indicated that the recodified guidance on futures and financial options transactions in sections 12 CFR 562.5 and 562.6, respectively, is of such limited scope as to neglect common savings association transactions involving covered calls, options and a variety of securities that are not mentioned. They recommended that the section be amended to incorporate such activities as part of the final rule.

Changes to Proposed Rule

The various comments received, described above, have provided useful insights and guidance to the OTS in considering issues presented by the proposed rule. The following sections discuss the changes in the proposed rule and address the issues and concerns raised by the commentators.

A. Regulatory Reporting Requirements—Records and Reports

The records and reports section has been removed from section 12 CFR 562.1(b)(1). The OTS eliminated this section because it is essentially a duplication of 12 CFR 563.170 (c), (d), and (e), except for two provisions. First, the proposed rule specifically required savings associations to maintain records within 100 miles of their home office whereas 12 CFR 563.170(d) is silent on this point. The final rule eliminates the 100 mile provision. However, savings association records must be maintained within the United States and be readily accessible for examination and supervisory purposes at a location acceptable to the OTS within 5 business days. Second, the proposed rule required the authorization of the savings association's board of directors prior to the transfer of records. The rule adds the provision requiring authorization of the savings association's board of directors prior to the transfer of records to 12 CFR 563.170(d).

Similarly, the OTS removed the requirement for savings associations to close its books quarterly and annually within specified time frames. The OTS believes that the annual audit requirement recodified at 12 CFR 571.2 provides adequate safeguards to facilitate the closing of associations' books in a timely fashion.

B. Regulatory Reports

1. Definition and Scope

The OTS amended the definition of supervisory reports to clarify its position on the applicability of regulatory reporting requirements to audited financial statements. Audited financial statements are not required to follow regulatory reporting requirements that are not consistent with GAAP, if any, because of the general purpose nature of these statements. This position is consistent with the OTS's position on financial statements filed pursuant to the Securities and Exchange Act of 1934.

2. Regulatory Reporting Requirements

The OTS substituted the term "regulatory reporting requirements" for the term "supervisory reporting requirements." This revision makes the OTS's terminology consistent with that of the Federal banking agencies.

The "economic substance" criterion has been removed from the regulatory reporting requirements as an independent standard. However, the OTS reminds savings associations and their practitioners that reliable accounting information does not permit the use of accounting representations that subordinate substance to form. Therefore, accounting representations that purport to use GAAP are expected to incorporate GAAP that best reflects the underlying economic substance of the transaction at issue. The OTS reserves the right to determine whether a particular application of GAAP reflects these characteristics.

C. Statements of Condition

The OTS has retained the provision requiring that statements of condition utilize regulatory reporting requirements, as well as the footnote disclosures on regulatory capital. The OTS recognizes that the statement of condition is a general purpose statement issued for the benefit of the depositors. However, the OTS also believes that the regulatory financial information and regulatory capital compliance information used by regulators are meaningful to depositors.

The OTS also retained the disclosure requiring savings associations to include instructions on how the public can obtain copies of their annual audited financial statements. The OTS notes that the Office of the Comptroller of the Currency has a quarterly and an annual financial disclosure requirement for national banks which is located at 12 CFR part 18. That rule requires national banks to quarterly disclose and publish a statement of condition and annually disclose to the public a statement of condition, results of operations, changes in equity, past due and nonaccrual loans and leases, and charge-offs and recoveries and changes in allowance for loans and leases. National banks are allowed to provide copies of audited financial statements in satisfaction of this requirement. The OTS believes that the provision to make audited financial statements available upon request results in a comparable annual disclosure requirement for savings associations. The final rule requires savings associations to publish a statement of condition annually and either (1) make the statement of condition available in their home offices and branches, with the footnote disclosure on how the audited financial statement may be obtained, or (2) make the annual audited financial statements available at those locations.

Similarly, the OTS has amended the delivery date of the statement of condition from 30 days to 3 months after a savings association's year end to facilitate timely closing of books and records. The OTS also amended the requirements to require a duly authorized officer of the savings association to sign a statement attesting to the accuracy of the statement of condition. These provisions are designed to achieve comparability between savings association and national bank disclosures. National banks are required to have an officer sign the statement of condition and three directors attest to its accuracy.

D. Evaluation of Assets and Adjustment of Book Value

The final rule does not re-designate 12 CFR 563.172(a), Evaluation of real estate assets, at § 562.4(a) as initially indicated in the proposed rule. This paragraph will retain the 12 CFR 563.172 reference but has been amended to reflect the changes indicated in the proposed rule.

The final rule eliminates 12 CFR 563.4(b), Evaluation of loans and other assets, because a comparable authority exists in regulation codified at 12 CFR 563.160, 563.170, 564 and 571.1. Accordingly, the final rule rescinds this

section as part of the recodification process. Similarly, 12 CFR 562.4(c), Adjustment of book value, of the proposed rule is rescinded as part of the final rule. Prior to its recodification, this section made reference to the term Net Realizable Value (NRV) as the valuation methodology to be used for real estate assets. The OTS's classification of assets regulation, located at 12 CFR 563.160, allows for asset evaluations that are consistent with the practices of the federal banking agencies for supervisory reports.

E. Futures Transactions and Financial Options Transactions

The proposed rule re-designated sections 12 CFR 563.174 and 563.175 as 12 CFR 562.5 and 562.6, respectively. However, the OTS has determined that these sections, as revised, have no direct bearing on the accounting for futures and financial options transactions and therefore, these sections will not be re-designated as section 562 regulations. The OTS has amended sections 12 CFR 563.174 and 563.175 in four minor ways.

First, the sections were amended to eliminate information collection requirements that duplicate those already required in the TFR. Second, information currently required to be maintained by associations in a register was updated to reflect minor technical changes. Third, the sections were amended to make the requirements to notify the Regional Director of the association's intent to engage in such transactions consistent. Fourth, all accounting guidance in these sections was eliminated. The accounting for these transactions should follow GAAP unless the OTS specifies a regulatory reporting requirement for these transactions. The OTS has not amended these rules to reflect the expanded variety of transactions involving savings associations. The OTS may amend these rules in the near future.

The following is a section-by-section analysis showing how each regulation has been modified.

12 CFR 545.111—Adjustments to Book Value of Assets

This section has been eliminated since the accounting and safety and soundness guidance for assets, including asset classification, are explained in various regulations and other guidance, such as 12 CFR 563.160 and the instructions to financial reports to the OTS (i.e., the TFR).

12 CFR 545.113—Accounting Records

Paragraph (a). This paragraph was amended to eliminate the required time frame for the annual closing of savings association's books because annual audited financial statements must be filed with the OTS within 90 days following the savings association's year end. The remaining portion of the paragraph was consolidated with 12 CFR 563.233(a) and recodified at 12 CFR 562.1(b)(2).

Paragraph (b). This paragraph has been eliminated because it was essentially a duplication of 12 CFR 563.170(d) and (e). The provision requiring the authorization of the savings association's board of directors prior to the transfer of records has been combined with 12 CFR 563.170(d).

12 CFR 545.114—Monthly Reports

This section has been eliminated since 12 CFR 545.113(a) instructs savings associations to use forms prescribed by the OTS. 12 CFR 545.113(a) was consolidated with 12 CFR 563.233(a) and recodified at 12 CFR 562.1(b)(2).

12 CFR 545.115—Statement of Condition

This section was amended to extend the statement of condition requirements to all savings associations. It has also been amended to include the use of regulatory reporting requirements, a declaration from savings association management attesting to the accuracy of the statement of condition, the disclosure of the savings association's regulatory capital requirements, and the disclosure of how copies of the audited financial statements can be obtained. This section was consolidated with 12 CFR 563.233(d) and recodified at 12 CFR 562.3.

12 CFR 563.46—Charge-Off of Consumer Credit Classified as a Loss

This section has been eliminated since the accounting and safety and soundness guidance for the charge-off of assets are explained in various regulations and other guidance, much as 12 CFR 563.160 and the instructions to financial reports to the OTS (i.e., the TFR).

12 CFR 563.170(d)—Examination and Audits; Appraisals; Establishment and Maintenance of Records

This section was amended to incorporate the board of director approval requirement of 12 CFR 545.113(a).

12 CFR 563.172—Re-Evaluation of Assets; Adjustment of Book Value; Adjustment Charges

Paragraph (a). This paragraph has been amended for minor technical corrections.

Paragraphs (b), (c), and (d). These paragraphs have been eliminated since the accounting and safety and soundness guidance for assets, including asset classification, are explained in various regulations and other guidance, such as 12 CFR 563.160 and the instructions to reports to the OTS (i.e., the TFR).

12 CFR 563.173(f)—Forward Commitments

This paragraph has been eliminated since accounting for commitment fees received for forward commitments is explained in the applicable GAAP literature.

12 CFR 563.174—Futures Transactions

Paragraph (a). This paragraph was amended to remove obvious redundancies in the caption above each definition and to list mortgage pass-through securities issued by the Federal National Mortgage Association among the securities included in the definition of a mortgage-related security.

Paragraph (b). This paragraph was amended to add off-balance sheet contracts to the discussion of net interest-rate risk exposure. The paragraph containing an exemption for interest-rate futures transactions engaged in prior to July 10, 1981 has been eliminated since all such contracts have been closed as of the effective date of this rule.

Paragraph (d). This paragraph was amended to require the board of directors review of activity relating to matched futures transactions at each regular meeting.

Paragraph (e) This paragraph was amended to require the board of directors to notify the Regional Director when it authorizes the association's involvement in futures transactions. This paragraph was also amended to eliminate the redundant reference to the Thrift Financial Report.

Paragraph (f). This paragraph was amended to require the association to maintain documentation of the hedge objective and results. The paragraph also requires maintenance of records for ten years.

12 CFR 563.175—Financial Options Transactions

Paragraph (a). This paragraph was amended to remove obvious redundancies in the caption above each definition and to list mortgage pass-through securities issued by the Federal National Mortgage Association among the securities included in the definition of a permissible counterparty. This

paragraph was also amended to reflect the appropriate titles of OTS personnel.

Paragraph (e). This paragraph was amended to require the board of directors to notify the Regional Director when it authorizes the association's involvement in option transactions. This paragraph was also amended to eliminate the redundant reference to the Thrift Financial Report and to give the appropriate cross reference for limitations governing this activity.

Paragraph (f). This paragraph was amended to require the association to maintain documentation of the objective and results of its option strategy. The paragraph also requires maintenance of records for ten years.

Paragraph (g). This paragraph has been eliminated since accounting or options is explained in the applicable GAAP literature.

12 CFR 563.231—Premiums and Discounts With Respect to Loans

This section has been eliminated since accounting for loan premiums and discounts is explained in the applicable GAAP literature.

12 CFR 563.233—Accounting Principles and Procedures

Paragraph (a). This paragraph was consolidated with 12 CFR 545.113(a) and recodified at 12 CFR 562.1(b)(2).

Paragraph (b). This paragraph was recodified at 12 CFR 562.1(b)(1).

Paragraph (c). This paragraph was amended to require the use of regulatory reporting requirements in regulatory reports. It was recodified at 12 CFR 562.2(a), (b)(1), and (b)(2).

Paragraph (d). This paragraph was amended to require the use of regulatory reporting requirements, a declaration from savings association management attesting to the accuracy of the statement of condition, the disclosure of the savings association's regulatory capital requirements, and a disclosure explaining how copies of the audited financial statements can be obtained. The requirement to disclose FDIC insurance coverage has been eliminated. It was consolidated with 12 CFR 545.115 and recodified at 12 CFR 562.3.

Paragraph (e). This paragraph has been eliminated since the standards set forth in this regulation will not be delayed.

12 CFR 563.234—Accounting for Troubled Debt Restructuring

This section has been eliminated since regulatory reporting for troubled loans is explained in the applicable GAAP literature and in the Thrift Financial Report instructions.

12 CFR 563c.10—Use of Accrual Basis of Accounting

This section has been eliminated since the applicability of accrual basis accounting is explained in the applicable GAAP literature and other guidance, such as the instructions to reports to the OTS (i.e., the TFR).

12 CFR 563c.12—Accounting for Net Income

This section has been eliminated since the definition of net income is explained in the applicable GAAP literature and other guidance, such as the instructions to reports to the OTS (i.e., the TFR).

12 CFR 563c.13—Accounting for Investment in Service Corporation

This section has been eliminated since accounting for service corporations is explained in the applicable GAAP literature and other guidance, such as the instructions to reports to the OTS (i.e., the TFR).

12 CFR 571.18—Accounting for Troubled Debt Restructuring

This section has been eliminated since regulatory reporting for troubled loans is explained in the applicable GAAP literature and in the Thrift Financial Report instructions.

Regulatory Flexibility Act Analysis

Pursuant to section 605(b) of the Regulatory Flexibility Act, the OTS certifies that this rule will not have a significant economic impact on a substantial number of small entities.

Executive Order 12291

The OTS has determined that this rule does not constitute a "major rule" and, therefore, will not require the preparation of a final regulatory impact analysis.

Paperwork Reduction Act Notice

The collection of information contained in this final rule has been approved by OMB in accordance with the Paperwork Reduction Act of 1980, 44 U.S.C. 3504(h), under OMB Control number 1550-0011. The information collections in this regulation are in 12 CFR 562.1(b)(1), 563.174 (e) and (f), and 563.175 (e) and (f).

This collection of information is required by the Office of Thrift Supervision to assure that financial results of savings association operations are presented in a useful and comprehensive manner for regulatory purposes. Comments concerning the accuracy of these estimates should be directed to the Office of Management and Budget, Paperwork Reduction Project (1550), Washington, DC 20503, with copies to the Office of Thrift Supervision, 1700 G Street NW., Washington, DC 20552.

List of Subjects

12 CFR Part 545

Accounting, Consumer protection, Credit, Electronic funds transfers, Investments, Manufactured homes, Mortgages, Reporting and recordkeeping requirements, Savings associations.

12 CFR Part 562

Accounting, Reporting and recordkeeping requirements.

12 CFR Part 563

Accounting, Advertising, Crime, Currency, Flood insurance, Investments, Reporting and recordkeeping requirements, Savings associations, Securities, Surety Bonds.

12 CFR Part 563c

Accounting, Reporting and recordkeeping requirements, Savings associations, Securities.

12 CFR Part 571

Accounting, Conflicts of interest, Gold, Investments, Reporting and recordkeeping requirements, Savings associations.

Accordingly, the OTS hereby amends parts 545, 562, 563, 563c, and 571, subchapters C and D, chapter V, title 12, Code of Federal Regulations, as set forth below:

SUBCHAPTER C—REGULATIONS FOR FEDERAL SAVINGS ASSOCIATIONS

1. The authority citation for part 545 continues to read as follows:

Authority: 12 U.S.C. 1462a, 1463, 1464, 1828.

§§ 545.111, and 545.113 through 545.115 [Removed and reserved].

2. Sections 545.111, and 545.113 through 545.115 are removed and reserved.

SUBCHAPTER D—REGULATIONS APPLICABLE TO ALL SAVINGS ASSOCIATIONS

3. Part 562 is added to read as follows:

PART 562—REGULATORY REPORTING STANDARDS

Sec.

Authority: 12 U.S.C. 1463.

§ 562.1 Regulatory reporting requirements.

(a) *Authority and scope.* This part is issued by the Office of Thrift Supervision (OTS) pursuant to section 4(b) and 4(c) of the Home Owners' Loan Act (HOLA). It applies to all savings associations regulated by the OTS.

(b) *Records and reports—general*—(1) *Records.* Each savings association and its affiliates shall maintain accurate and complete records of all business transactions. Such records shall support and be readily reconcilable to any regulatory reports submitted to the OTS

and financial reports prepared in accordance with GAAP. The records shall be maintained in the United States and be readily accessible for examination and other supervisory purposes within 5 business days upon request by the OTS, at a location acceptable to the OTS.

(2) *Reports.* For purposes of examination by and regulatory reports to the OTS and compliance with this subchapter, all savings associations shall use such forms and follow such regulatory reporting requirements as the OTS may require by regulation or otherwise.

§ 562.2 Regulatory reports.

(a) *Definition and scope.* This section applies to all regulatory reports, as defined herein. A regulatory report is any report that the OTS prepares, or is submitted to, or is used by the OTS, to determine compliance with its rules and regulations, and to evaluate the safe and sound condition and operation of savings associations. The Report of Examination and the Thrift Financial Report (TFR) are examples of regulatory reports. Regulatory reports are regulatory documents, not accounting documents.

(b) *Regulatory reporting requirements*—(1) *General.* The instructions to regulatory reports are referred to as "regulatory reporting requirements." Regulatory reporting requirements include, but are not limited to, the accounting instructions provided in the TFR, guidance contained in OTS regulations, bulletins, and examination handbooks, and safe and sound practices. Regulatory reporting requirements are not limited to the minimum requirements under generally accepted accounting principles (GAAP) because of the special supervisory, regulatory, and economic policy needs served by such reports. Regulatory reporting by savings associations that purports to comply with GAAP shall incorporate the GAAP that best reflects the underlying economic substance of the transaction at issue. Regulatory reporting requirements shall, at a minimum:

(i) Incorporate GAAP whenever GAAP is the referenced accounting instruction for regulatory reports to the Federal banking agencies;

(ii) Incorporate safe and sound practices contained in OTS regulations, bulletins, examination handbooks and instructions to regulatory reports. Such safety and soundness requirements shall be no less stringent than those applied by the Comptroller of the Currency for national banks; and

(iii) Incorporate additional safety and soundness requirements more stringent than GAAP, as the Director may prescribe.

(2) *Exceptions.* Regulatory reporting requirements that are not consistent with GAAP, if any, are not required to be reflected in audited financial statements, including financial statements contained in securities filings submitted to the OTS pursuant to the Securities and Exchange Act of 1934 or parts 563b, 563d, or 563g of this chapter.

(3) *Compliance.* When the OTS determines that a savings association's regulatory reports did not conform to regulatory reporting requirements in previous reporting periods, the association shall correct its regulatory reports in accordance with the directions of the OTS.

§ 562.3 Statements of condition.

(a) *General.* A statement of condition reports a savings association's assets, liabilities, and capital as of the end of its most recent fiscal year in compliance with regulatory reporting requirements. Each savings association, within three months after the end of its fiscal year, must:

(1) Publish a statement of condition in any English language newspaper of general circulation in the county in which the association's home office is located; and

(2) Make a copy of such statement of condition available for public inspection, in a conspicuous location, at its home office and each branch office.

(b) *Format.* The information set forth in a Statement of Condition shall be presented in accordance with regulatory reporting requirements, as defined in § 562.2(b) of this subchapter and shall contain the following:

(1) A footnote indicating the savings association's regulatory capital requirements and the amount of regulatory capital that the savings association has available to meet those requirements. Regulatory capital requirements for savings associations are defined in 12 CFR part 567. The footnote shall include the following language:

> This statement has been prepared in accordance with the regulatory reporting requirements of the Office of Thrift Supervision (OTS). Tangible, Core, and Total Capital are the elements of regulatory capital determined under such reporting requirements. Regulatory capital is a basis by which the OTS determines whether a savings association is operating in a safe and sound manner.

(2) A statement that copies of the annual audited financial statements are available to the public and how copies can be obtained;

(3) The signature of one duly authorized officer of the savings association with the following language:

> I, (the name and title of officer authorized to sign report), of the above-named savings association, do hereby declare that this statement of condition has been prepared in conformance with the instructions issued by the Office of Thrift Supervision and is true to the best of my knowledge and belief.

(c) *Optional narrative.* Savings association management may, at its discretion, provide a narrative to supplement the requirements of paragraph (b)(1) of this section. This narrative may include information that association management deems important in evaluating the overall condition of the association. Information management may present includes, but is not limited to, a discussion of an approved capital plan; pertinent information relating to mergers and acquisitions; and future plans.

(d) *Alternative annual statement of condition.* The requirement of paragraph (a)(2) of this section is satisfied when a savings association makes copies of its audited financial statements, prepared pursuant to 12 CFR 571.2, conspicuously available to the public in its home office and each of its branch locations.

(e) *Prohibited conduct and penalties.* (1) No savings association or institution-affiliated party shall directly or indirectly:

(i) Disclose or cause to be disclosed false or misleading information in the annual statement of condition, or omit or cause the omission of pertinent or required information in the statement of condition; or

(ii) Represent that the Office of Thrift Supervision, or any employee thereof, has passed upon the accuracy or completeness of the annual statement of condition.

(2) Conduct which violates paragraph (e)(1) of this section may constitute an unsafe or unsound practice or otherwise serve as a basis for enforcement action by the OTS. This includes, but is not limited to, the assessment of civil money penalties against a savings association or any institution-affiliated party who violates this part.

4. The authority citation for part 563 continues to read as follows:

Authority: 12 U.S.C. 1462, 1462a, 1463, 1464, 1467a, 1468, 1828, 3806; 42 U.S.C. 4106.

§§ 563.46 and 563.231 through 563.234 [Removed]

5. Sections 563.46, 563.172 (b)–(d), 563.173(f), and subpart H of part 563

563.231, 563.233 and 563.234) are removed.

6. Section 563.170 is amended by revising paragraph (d) to read as follows:

§ 563.170 Examinations and audits; appraisals; establishment and maintenance of records.

* * * * *

(d) *Change in location of records.* A savings association shall not transfer the location of any of its general accounting or control records, or the maintenance thereof, from its home office to a branch or service office, or from a branch or service office to its home office or to another branch or service office unless prior to the date of transfer its board of directors has:

(1) By resolution authorized the transfer or maintenance and;

(2) Sent a certified copy of the resolution to the Regional Director of the OTS Region in which the principal office of the savings association is located.

* * * * *

7. Section 563.172 amended by revising paragraph (a) and removing the designation and the heading to read as following:

§ 563.172 Re-evaluation of real estate owned.

A savings association shall appraise each parcel of real estate owned at the earlier of in-substance foreclosure or at the time of the savings association's acquisition of such property, and at such times thereafter as dictated by prudent management policy; such appraisals shall be consistent with the requirements of part 564 of this chapter. The Regional Director or his or her designee may require subsequent appraisals if, in his or her discretion, such subsequent appraisal is necessary under the particular circumstances. The foregoing requirement shall not apply to any parcel of real estate that is sold and reacquired less than 12 months subsequent to the most recent appraisal made pursuant to this part. A dated, signed copy of each report of appraisal made pursuant to any provisions of this part shall be retained in the savings association's records.

* * * * *

8. Section 563.174 is amended by revising paragraphs (a), (b), (d), (e) and (f) to read as follows:

§ 563.174 Future transactions.

(a) *Definitions.* As used in this section, the definitions in paragraphs (a)(1) through (a)(6) apply unless the context otherwise requires.

(1) The term *forward commitment* means a written commitment to make, purchase or issue mortgage loans or mortgage related securities at a price and on or before a date specified in the commitment.

(2) The term *financial futures transaction* means the purchase or sale of a financial futures contract.

(3) The term *long position* means the purchase of a financial futures contract to take delivery of a financial instrument.

(4) The term *mortgage-related securities* means securities based on and backed by mortgages, including mortgage-backed securities guaranteed by the Government National Mortgage Association (GNMAs), Mortgage Participation Certificates of the Federal Home Loan Mortgage Corporation, Mortgage Pass-through Certificates of the Federal National Mortgage Association, and similar obligations issued by the savings association or in which the savings association is authorized to invest.

(5) The term *offset* means to cancel an obligation to make or take delivery of securities under a financial instrument under a financial futures contract. A futures contract to purchase a financial instrument is offset by a futures contract to sell a financial instrument of the same type for the same delivery month. A futures contract to sell a financial instrument is offset by a futures contract to purchase a financial instrument of the same type for the same delivery month.

(6) The term *short position* means the holding of a financial futures contract to make delivery of a financial instrument.

(b) *Permitted transactions.* To the extent that it has legal power to do so, a savings association may engage in interest-rate futures transactions to reduce its net interest-rate risk exposure as provided in this paragraph (b). For purposes of this section, net interest-rate risk exposure is the volatility in a savings association's earnings or the market value of its portfolio equity that can arise from the mismatching of the effective maturities of assets, liabilities, and off-balance sheet contracts. A savings association may enter into short positions that are appropriate for reducing its net interest-rate risk exposure. A savings association may enter into long positions, other than those that offset short positions, only under the conditions in paragraphs (b)(1) and (b)(2) of this section.

(1) The futures position must be matched against a firm forward commitment to sell mortgages not yet originated or to issue mortgage-related securities to be based on mortgages not yet originated. For purposes of this paragraph (b), a firm forward commitment is a written commitment obligating the seller to make delivery, and the buyer to take delivery, of mortgage loans not yet originated or mortgage-related securities to be based on mortgages not yet originated, at a price and on or before a date specified in the commitment.

(2) The futures position may be entered into and maintained only to the extent that the savings association's firm forward commitments exceed 10 percent of long-term assets with fixed interest rates. For purposes of this section, long-term assets are those having remaining terms to maturity in excess of five years.

* * * * *

(d) *Board of directors' authorization.* Prior to engaging in interest-rate futures transactions, a savings association's board of directors must authorize such activity. In authorizing futures trading, the board of directors shall consider any plan to engage in financial futures transactions, shall endorse specific written policies, and shall require the establishment of internal control procedures. Policy objectives must be specific enough to outline permissible contract strategies, taking into account price and yield correlations between assets and liabilities and the financial futures contracts with which they are matched; the relationship of the strategies to the savings association's operations; and how such strategies reduce the savings association's net interest-rate risk exposure. Internal control procedures shall include, at a minimum, periodic reports to management, segregation of duties and internal review procedures. In addition, the minutes of the meeting of the board of directors shall set forth limits applicable to financial futures transactions, identify personnel authorized to engage in financial futures transactions, and set forth the duties, responsibilities and limits of authority of such personnel. The board of directors shall review the position limit, all outstanding contract positions, and the unrealized gains and losses on those positions and matched items at each regular meeting of the board.

(e) *Notification.* A savings association engaging in financial futures transactions shall notify the Regional Director of the region in which its principal office is located immediately following authorization of its board of directors to engage in financial futures transactions.

(f) *Records retention.* A savings association engaging in financial futures transactions shall maintain records of such transactions sufficient to document how the transactions reduce the net

interest-rate risk exposure of the savings association in accordance with the requirements of paragraphs (f)(1) through (f)(3) of this section.

(1) *Contract register.* The savings association shall maintain a contract register adequate to identify and control all financial futures contracts and including, at a minimum, the type and amount of each contract, the maturity date of each contract, the cost of each contract, the dollar amount and description of the asset or the liability with which the futures contract is matched, and the date and manner in which a contract is closed out. Such register shall be prepared in a manner sufficient to indicate at any time the savings association's total outstanding long and short financial futures positions.

(2) *Other documentation.* The savings association shall maintain, as part of the documentation of its financial futures activity, a schedule that describes the hedge objective of the futures contracts (individually or in groups as appropriate) and the hedge results.

(3) *Period covered.* The records designated in this paragraph (f) shall be maintained for all futures transactions closed-out during at least the preceding ten years.

9. Section 563.175 is amended by removing paragraph (g) and revising paragraphs (a), (e) and (f) to read as follows:

§ 563.175 Financial options transactions.

(a) *Definitions.* As used in this section, the definitions in paragraphs (a)(1) through (a)(13) apply unless the context otherwise requires.

(1) The term *call* means an option which gives the holder the right to purchase a financial instrument at a specified price on or before the expiration date of the contract.

(2) The term *deliverable instrument* means a financial instrument whose terms satisfy the requirements for fulfilling delivery obligations of an option.

(3) The term *effective exercise price* means the yield equivalent price of an instrument whose coupon rate differs from the standard instrument specified in the option.

(4) The term *financial options contract* means an agreement (other than an optional delivery forward commitment contract to purchase and sell mortgages or mortgage-backed securities when used as part of the mortgage loan origination process) to make or take delivery of a financial instrument upon demand by the holder of the contract at any time prior to the expiration date specified in the agreement, under terms and conditions established either by:

(i) A board of trade designated as a contract market for the trading of option contracts by the Commodity Futures Trading Commission (CFTC) or a national securities exchange registered with the Securities Exchange Commission (SEC); or

(ii) The saving association and a "permissible counterparty" as defined in paragraph (a)(13) of this section, that are counterparties in an over-the-counter option transaction (other than an over-the-counter commodity option transaction subject to the jurisdiction of the CFTC that is not otherwise authorized under the Commodity Exchange Act and the regulations thereunder).

(5) The term *financial options transaction* means the purchase or sale of a financial options contract.

(6) The term *immediate exercise value* means the market value gained by exercising an option with the lowest cost deliverable instrument at its effective exercise price compared to purchasing (or selling) an identical instrument with the same coupon rate in the cash market.

(7) The term *long position* means the holding of a financial options contract with the option to make or take delivery of a financial instrument.

(8) The term *option commitment fee* means the option premium minus the immediate exercise value of the option.

(9) The term *option premium* means the price paid or received for establishing an option position.

(10) The term *put* means an option which gives the holder the right to sell a financial instrument at a price and on or before the expiration date specified in the financial options contract.

(11) The term *short position* means a commitment through a financial options contract to stand ready during the term of the contract to make or take delivery of a financial instrument.

(12) The term *primary dealer in government securities* means any member of the Association of Primary Dealers in United States Government Securities and any parent, subsidiary, or affiliated entity of such primary dealer. Provided, that the member guarantees (to the satisfaction of the OTS) the over-the-counter financial options transactions between its parent, subsidiary, or affiliated entity with a savings association, and provided further, that the parent, subsidiary, or affiliated entity is substantially engaged in similar activities.

(13) The term *permissible counterparty* means any entity that is:

(i) A primary dealer as defined in paragraph (a)(12) of this section;

(ii) A bank subject to the regulation and supervision of the Comptroller of the Currency, the Federal Deposit Insurance Corporation, or the Board of Governors of the Federal Reserve System and that is in compliance with applicable regulatory capital requirements;

(iii) A savings association that is subject to the regulation and supervision of the OTS and is in compliance with the applicable capital requirements contained in part 567 of this subchapter;

(iv) A broker or dealer registered with the Securities and Exchange Commission (SEC) and subject to regulation and supervision by a Registered Securities Association (registered pursuant to section 15A of the Securities Exchange Act of 1934 (Exchange Act) or a National Securities Exchange (registered pursuant to sections 6 and 19(a) of the Exchange Act) and that is in compliance with applicable capital requirements;

(v) A government securities broker or dealer registered with the SEC that is subject to examination and supervision by a Registered Securities Association (registered pursuant to section 15A of the Exchange Act) or National Securities Exchange (registered pursuant to section 6 and 19(a) of the Exchange Act) and that is in compliance with applicable capital requirements;

(vi) A futures commission merchant registered with CFTC and that is in compliance with applicable capital requirements;

(vii) The Federal Home Loan Banks;

(viii) The Federal Home Loan Mortgage Corporation, the Federal National Mortgage Association, or the Government National Mortgage Association; or

(ix) Any other entity that the OTS, upon application, determines to be adequately regulated, capitalized, and audited or examined such that acting as a counterparty in an over-the-counter options transaction with a savings association would not entail substantial credit risks for the association. The OTS delegates the authority to consider and approve such applications to the Deputy Director for Regional Operations, with the concurrence of the Chief Counsel, or their respective designees.

* * * * *

(e) *Notification, reporting, and approval.* (1) A savings association shall notify the Regional Director of the region in which its principal office is located immediately following authorization of its board of directors to

engage in financial options transactions; and

(2) A savings association shall not engage in over-the-counter financial option transactions with any permissible counterparty unless such counterparty agrees to notify the Regional Director of the region in which the principal office of the savings association is located immediately following the entering into such transaction. A savings association shall not continue to engage in over-the-counter financial options transactions with any permissible counterparty that has failed to so notify the appropriate Regional Director with respect to previous over-the-counter financial option transactions with that savings association. Notwithstanding the foregoing, no savings association shall engage in a long over-the-counter financial option transaction with a specific permissible counterparty, without obtaining the prior approval of its Regional Director, whenever the aggregate exercise value of all long over-the-counter financial option positions with the counterparty exceeds the limitations contained in § 563.93(c)(1) of this part. A Regional Director may approve any financial option transaction whenever he determines that such transaction does not subject the SAIF to undue risk. In making such determinations, the Regional Director shall consider:

(i) The creditworthiness of the specific counterparty;

(ii) The savings association's experience with such counterparty and with transacting in financial option and futures contracts generally;

(iii) The nature of the subject contracts (e.g., matched or unmatched); and

(iv) Any other circumstances deemed relevant by the Regional Director. An application to enter into a financial option transaction under paragraph (e)(2) of this section shall be deemed approved if the Regional Director does not deny such application within 10 calendar days from the date the application was filed.

(f) *Records retention.* A savings association engaging in financial options transactions shall maintain records of such transactions in accordance with the requirements of paragraphs (f)(1) through (f)(3) of this section.

(1) *Contract register.* The savings association shall maintain a contract register adequate to identify and control all financial options contracts and sufficient to indicate at any time the amounts of financial options contracts required to be reported on its monthly report. At a minimum, the register shall list the type, amount, expiration date and the cost of or income from each contract.

(2) *Other documentation.* The savings association shall maintain, as part of the documentation of its financial options activity, a schedule of any cash market or forward commitment position with which the option is matched, the objective for each contract (or group of contracts), and the results.

(3) *Period covered.* The records designated in this paragraph (f) shall be maintained for all financial options closed out during the preceding ten years.

10. The authority citation for part 563c continues to read as follows:

Authority: 12 U.S.C. 1462a, 1463, 1464, 15 U.S.C. 78c(b), m, n, w.

§§ 563c.10 through 563c.13 [Removed and Reserved]

11. Subpart B (sections 563c.10, 563c.12, and 563c.13) is removed and reserved.

PART 571—[AMENDED]

12. The authority citation for part 571 continues to read as follows:

Authority: 5 U.S.C. 552, 559, 12 U.S.C. 1462a, 1463, 1464.

§ 571.18 [Removed]

13. Section 571.18 is removed.

Dated: May 21, 1992.

By the Office of Thrift Supervision.

Timothy Ryan,

Director.

[FR Doc. 92-20953 Filed 9-1-92; 8:45 am]

BILLING CODE 6720-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 13

Investigative and Enforcement Procedures; Notification of Resumed Proceedings

AGENCY: Federal Aviation Administration (FAA). DOT.

ACTION: Notification of resumed proceedings.

SUMMARY: This document notifies all persons who have received a Notice of Proposed Civil Penalty under the Civil Penalty Assessment Demonstration Program that proceedings will resume.

EFFECTIVE DATE: August 27, 1992.

FOR FURTHER INFORMATION CONTACT: Vicki S. Leemon, Manager, Adjudications Branch, Litigation Division, Office of the Chief Counsel [AGC-430], 701 Pennsylvania Avenue, NW., Washington, DC 20004, telephone (202) 376-6441.

SUPPLEMENTARY INFORMATION: The authority of the Administrator of the Federal Aviation Administration to assess civil penalties for violations arising under the Federal Aviation Act of 1958, as amended, was made permanent on August 26, 1992. All persons who have received a Notice of Proposed Civil Penalty under the Civil Penalty Assessment Demonstration Program (49 U.S.C. app. 1475) are advised that proceedings in their cases will resume. Attached is a notice from the Administrator advising all persons of the status of the civil penalty program.

Issued in Washington, DC on August 27, 1992.

Denise Castaldo,

Manager, Program Management Staff.

Notice

To All Persons Whose Civil Penalty Cases Were Held in Abeyance

The authority of the Administrator of the Federal Aviation Administration (FAA) to assess civil penalties for violations arising under the Federal Aviation Act of 1958, as amended, lapsed on August 1, 1992. In a prior notice dated July 29, 1992, you were informed that your case would be held in abeyance until a new law was enacted renewing the Administrator's authority. The Administrator's authority to assess civil penalties was made permanent on August 26, 1992, with the enactment of the FAA Civil Penalty Administrative Assessment Act of 1992, Public Law 102-345, 106 Stat. 923. As a result, proceedings in your case will now resume.

To ensure fairness and efficiency in the resumption of proceedings, any time period provided by a procedural rule permitting or requiring action by a party will begin anew on the date of issuance of this notice. Thus, regardless of how much time remained when proceedings in your case were held in abeyance on August 1, 1992, the full period specified in the rules is available starting from the date of this notice, August 27, 1992. For example, § 13.16(d) of the Rules of Practice, 14 CFR 13.16(d), requires a response to a notice of proposed civil penalty not later than 30 days after receipt of the notice. If, on August 1, 1992, 15 days of the 30-day period had passed, you will still have 30 days beginning on August 27, 1992, to respond to the notice of proposed civil penalty.

In cases in which the Administrator granted an extension of time to file a brief after August 1, 1992, the extended filing date is no longer in effect. Instead, in those instances, the parties will be entitled to the full time period for filing briefs prescribed in Section 13.233 of the Rules of Practice, 14 CFR 13.233, starting from August 27, 1992. Thus, for example, if you had been granted an extension of time to file an appeal brief until August 3, 1992, your appeal brief is now

due on October 16, 1992, 50 days from the date of this notice.

Please note that if you are filing a response to a document that was served by mail, an additional 5 days is added to the prescribed filing period under 14 CFR 13.211(e). This rule applies even if the document was served before your case was held in abeyance.

Some changes were made in the new law to the FAA's civil penalty assessment authority that will affect future cases. However, your case is unaffected by these changes in the legislation because it arose under the old statute and regulations. The new provisions have no effect on cases that were pending at the time of the lapse.

If you have questions regarding your case and you are represented by an attorney or other representative in this civil penalty action, please consult with that person. Your attorney or representative may contact the FAA attorney who is handling your case. If you are not represented by an attorney or other representative, you may contact the FAA attorney handling your case.

Issued this 27th day of August, 1992.

Thomas C. Richards,

Administrator, Federal Aviation Administration.

[FR Doc. 92–21113 Filed 8–28–92; 12:24 pm]

BILLING CODE 4910–13–M

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14 CFR Part 71

[Airspace Docket No. 90–AWA–12]

Alteration of the Houston Terminal Control Area and the Revocation of the Houston William P. Hobby Airport, Airport Radar Service Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; correction.

SUMMARY: This action corrects the description of the Houston, TX, Terminal Control Area (TCA). A final rule was published in the **Federal Register** on July 10, 1992 (57 FR 30818), that altered the Houston, TX, TCA and removed the Houston William P. Hobby Airport, Airport Radar Service Area (ARSA). The rule was ambiguous in identifying the two primary airports. This action corrects the oversight and clarifies the primary airports.

EFFECTIVE DATE: 0901 u.t.c., October 15, 1992.

FOR FURTHER INFORMATION CONTACT: Patricia P. Crawford, Airspace and Obstruction Evaluation Branch (ATP–240), Airspace-Rules and Aeronautical Information Division, Air Traffic Rules and Procedures Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone: (202) 267–9255.

SUPPLEMENTARY INFORMATION:

History

A final rule was published in the **Federal Register** on July 10, 1992 (57 FR 30818), with an effective date of October 15, 1992, that altered the Houston TCA and removed the Houston William P. Hobby Airport ARSA. The TCA rule description was not specific in identifying the primary airports. This made it difficult to differentiate between the two primary airports and other airports located within the TCA boundary. This action clarifies the TCA description. Terminal control areas are published in § 71.401(b) of Handbook 7400.7 effective November 1, 1991, which is incorporated by reference in 14 CFR 71.1. The terminal control area listed in this document will be published subsequently in the Handbook.

Correction to Final Rule

Accordingly, the publication on July 10, 1992, of the final rule amending the description of the Houston, TX, TCA is corrected as follows:

§ 71.401(b) [Corrected]

On page 30822 under the title "Primary Airports," in the second column the description for Houston, TX, is corrected to read:

Houston Intercontinental Airport (lat. 29°58'49"N., long. 95°20'22"W.) (Primary Airport)
William P. Hobby Airport (lat. 29°38'43"N., long. 95°16'43"W.) (PrimaryAirport)
Ellington Field (lat. 29°36'26" N., long. 95°09'31" W.)
Humble VORTAC (IAH) (lat. 29°57'24" N., long. 95°20'44" W.)
Hobby VOR/DME (HUB) (lat. 29°39'00" N., long. 95°16'44" W.)

Boundaries

Area A. That airspace extending upward from the surface to and including 10,000 feet MSL bounded by a line beginning at the intersection of the Humble VORTAC (IAH) 8-mile arc and the IAH VORTAC 090° radial; thence clockwise along the IAH VORTAC 8-mile arc to the IAH VORTAC 069° radial; thence east along the IAH VORTAC 069° radial to the 10-mile arc of IAH VORTAC thence clockwise along the 10-mile arc to the IAH VORTAC 090° radial thence west to point of beginning; and that airspace bounded by a line beginning at lat. 29°45'36" N., long. 95°21'57" W.; to lat. 29°45'45" N., long. 95°11'46" W.; thence clockwise along the Hobby VOR/DME (HUB) 8-mile DME arc to intercept Beltway 8, thence south to intercept the 4.6-mile radius of Ellington Field, thence west to the 5.5-mile DME arc of HUB, thence clockwise to Interstate 45, thence southeast to the 7-mile DME arc clockwise to the HUB 156° radial thence north along the HUB 156° to the HUB VOR/DME 6-mile arc clockwise to the HUB 211° radial then south along the HUB 211° to HUB VOR/DME 8-mile arc clockwise to point of beginning.

Area B. That airspace extending upward from 2,000 feet MSL to and including 10,000 feet MSL bounded by a line beginning at the intersection of State Highway 59 and the HUB VOR/DME 15-mile arc, thence counterclockwise along the HUB VOR/DME 15-mile arc to the intersection of HUB VOR/DME 15-mile arc and the IAH VORTAC 15-mile arc, thence counterclockwise along the IAH VORTAC 15-mile arc to the intersection IAH VORTAC 15-mile arc and Westheimer Road (lat. 29°44'06" N., long. 95°28'46" W.), thence southwest to and along State Highway 59 to the point of beginning excluding Areas A and C.

Area C. That airspace extending upward from 3,000 feet MSL to and including 10,000 feet MSL bounded by a line beginning at the intersection of State Highway 59 and the IAH VORTAC 20-mile DME arc, thence clockwise along the IAH VORTAC 20-mile DME arc to the intersection of the IAH VORTAC 20-mile DME arc and Interstate 10, west on Interstate 10 to the HUB VOR/DME 15-mile arc, thence counterclockwise along the HUB VOR/DME 15-mile arc to the IAH VORTAC 15-mile DME arc, thence counterclockwise along the IAH VORTAC 15-mile DME arc to the intersection of the IAH VORTAC 15-mile DME arc and Westheimer Road, thence southwest to and along State Highway 59 to the point of beginning; and that airspace beginning at the Intersection of HUB VOR/DME 15-mile arc and HUB 156° radial then north along the HUB 156° radial to the HUB VOR/DME 10-mile arc clockwise along the HUB 10-mile arc to HUB 211° radial then south along the HUB 211° radial to Intersect the 15-mile arc to point of beginning.

Area D. That airspace extending upward from 4,000 feet MSL to and including 10,000 feet MSL bounded by a line beginning at the intersection of State Highway 59 and the IAH VORTAC 30-mile DME arc, thence clockwise along the IAH VORTAC 30-mile DME arc to Interstate 10, west along Interstate 10 to the HUB VOR/DME 20-mile arc, thence clockwise along the HUB VOR/DME 20-mile arc to State Highway 59; thence southwest on State Highway 59 to the point of beginning excluding Areas A, B, and C.

* * * * *

Issued in Washington, DC, on August 25, 1992.

Harold W. Becker,

Manager, Airspace—Rules and Aeronautical Information Division.

[FR Doc. 92–21098 Filed 9–1–92; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 71

[Airspace Docket No. 92–ANM–5]

Amendment of Worland Control Zone; Worland, WY

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action amends the Worland control zone, Worland, Wyoming, from full-time to part-time. A

reduction in personnel staffing of the Worland Flight Service Station has resulted in weather observation not being available 24 hours a day. This action will bring publications up to date giving continuous information to the aviation public.

EFFECTIVE DATE: 0901 u.t.c. October 15, 1992.

FOR FURTHER INFORMATION CONTACT: Robert L. Brown, ANM–535, Federal Aviation Administration, Docket No. 92–ANM–5, 1601 Lind Avenue SW., Renton, Washington 98055–4056, Telephone: (206) 227–2535.

SUPPLEMENTARY INFORMATION:

History

On May 26, 1992, the FAA proposed to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) to change the status of the Worland control zone from full-time to part-time (57 FR 21913).

Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received. Accordingly, the rule is adopted as proposed, except the geographical coordination of the Worland Municipal Airport have been changed to reflect the latest National Flight Data Center data base information. In addition the mileages in the description are expressed in nautical miles. Control zones are published in § 71.171 of Handbook 7400.7 effective November 1, 1991, which is incorporated by reference in 14 CFR 71.1. The control zone listed in this document will be published subsequently in the handbook.

The Rule

This amendment to part 71 of the Federal Aviation Regulations changes the status of the Worland control zone, Worland, Wyoming, from full-time to part-time. A reduction in personnel staffing at the Worland Flight Service Station has resulted in weather observations not being available 24 hours a day, and therefore, full-time control zone services will not be available. The amendment allows for changes in the hours of effectiveness by issuance of Notices to Airmen when minor variations in time of designation are anticipated.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this regulation—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Aviation safety, Incorporation by reference, Control zones.

Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

PART 71—[AMENDED]

1. The authority citation for 14 CFR part 71 continues to read as follows:

Authority: 49 U.S.C. app. 1348(a), 1354(a), 1510; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389; 49 U.S.C. 106(g); 14 CFR 11.69.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.7, Compilation of Regulations, published April 30, 1991, and effective November 1, 1991, is amended as follows:

Section 71.171 Designation

* * * * *

Worland, WY [Revised]

Within a 4.2 nautical mile radius of Worland Municipal Airport (lat. 43°57'56" N., long. 107°56'59" W.) and within 3 nautical miles each side of the Worland VOR 352° radial, extending from the 4.2 nautical mile radius zone to 10.5 nautical miles north of the VOR. This control zone shall be effective during the specified dates and time established in advance by Notice to Airmen. The effective date and time thereafter will be continuously published in the airport/facility directory.

* * * * *

Issued in Seattle, Washington, on August 21, 1992.

Helen M. Parke,

Assistant Manager, Air Traffic Division.

[FR Doc. 92–21120 Filed 9–1–92; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 71

[Airspace Docket No. 92–ANM–4]

Amendment to Sheridan Control Zone; Sheridan, WY

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action amends the Sheridan control zone, Sheridan, Wyoming, from full-time to part-time. A reduction in personnel staffing of the Sheridan Flight Service Station has resulted in weather observation not being available 24 hours a day. This action will bring publications up to date giving continuous information to the aviation public.

EFFECTIVE DATE: 0901 u.t.c. October 15, 1992.

FOR FURTHER INFORMATION CONTACT: Robert L. Brown, ANM–535, Federal Aviation Administration, Docket No. 92–ANM–4, 1601 Lind Avenue SW., Renton, Washington 98055–4056, telephone: (206) 227–2535.

SUPPLEMENTARY INFORMATION:

History

On July 2, 1992, the FAA proposed to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) to change the status of the Sheridan control zone from full-time to part-time (57 FR 29455).

Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received. Accordingly, the rule is adopted as proposed, except the geographical coordinates of the Sheridan Municipal Airport have been changed to reflect the latest National Flight Data Center data base information. In addition the mileages in the description are expressed in nautical miles. Control zones are published in § 71.171 of Handbook 7400.7 effective November 1, 1991, which is incorporated by reference in 14 CFR 71.1. The control zone listed in this document will be published subsequently in the handbook.

The Rule

This amendment to part 71 of the Federal Aviation Regulations changes the status of the Sheridan control zone, Sheridan, Wyoming, from full-time to part-time. A reduction in personnel staffing at the Sheridan Flight Service Station has resulted in weather observations not being available 24 hours a day, and, therefore, full-time control zone services will not be available. The amendment allows for changes in the hours of effectiveness by issuance of Notices to Airmen when minor variations in time of designation are anticipated.

The FAA has determined that this regulation only involves an established body of technical regulations for which

frequent and routine amendments are necessary to keep them operationally current. Therefore, this regulation—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Aviation safety, Incorporation by reference, Control zones.

Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

PART 71—[AMENDED]

1. The authority citation for 14 CFR part 71 continues to read as follows:

Authority: 49 U.S.C. app. 1348(a), 1354(a), 1510; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389; 49 U.S.C. 106(g); 14 CFR 11.69.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.7, Compilation of Regulations, published April 30, 1991, and effective November 1, 1991, is amended as follows:

Section 71.171 Designation

* * * * *

Sheridan, WY [Revised]

Within a 4.4 nautical mile radius of Sheridan County Airport (lat. 44°46'26" N., long. 106°58'35" W.) and within 3.5 nautical miles each side of the Sheridan VORTAC 312° and 327° radials, extending the 4.4 nautical mile radius to 10.1 nautical miles northwest of the VORTAC, and within 3.5 nautical miles each side of the Sheridan VORTAC 140° radial extending from the 4.4 nautical mile radius to 21.4 nautical miles southeast of the VORTAC. This control zone shall be effective during the specified dates and time established in advance by Notice to Airmen. The effective date and time thereafter will be continuously published in the airport/facility directory.

* * * * *

Issued in Seattle, Washington, on August 21, 1992.

Helen M. Parke,

Assistant Manager, Air Traffic Division.

[FR Doc. 92-21121 Filed 9-1-92; 8:45 am]

BILLING CODE 4910-13-M

Office of the Secretary

14 CFR Parts 200, 203, 205, 206, 231, 232, 263, 288, 294, 296, 297, 298, 302, 372, 399

[Docket No. 47939]

RIN No. 2105-AB84

Aviation Economic Rules

AGENCY: Department of Transportation, Office of the Secretary.

ACTION: Final rule.

SUMMARY: The Department is amending parts 200, 203, 205, 206, 231, 232, 263, 288, 294, 296, 297, 298, 302, 372, and 399 in order to make technical corrections, eliminate obsolete terms and provisions, and to provide better organization. Of particular note, the U.S. air taxi liability insurance requirements contained in subpart E of part 298 have been relocated to part 205, which contains the liability insurance rules applicable to all other types of direct air carriers, and the allowed liability exclusions set forth in § 298.44 have been eliminated. In addition, the rules governing exemptions for certificated carriers when operating small aircraft, presently contained in subpart I of part 298, have been transferred to part 206 along with various other special authorizations and exemptions applicable to certificated air carriers.

EFFECTIVE DATE: The rule shall become effective on October 2, 1992.

FOR FURTHER INFORMATION CONTACT: Carol A. Woods, Air Carrier Fitness Division, P-56, Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590, (202) 366-9721.

SUPPLEMENTARY INFORMATION:

Background

Section 204 of the Federal Aviation Act (72 Stat. 743, 49 U.S.C. 1324) ("Act") empowers the Department, in part, to make rules and establish procedures to enable it to carry out its functions under the Act. Pursuant to that authority, the Department undertook a review of a number of the aviation economic regulations promulgated by the Civil Aeronautics Board ("CAB"), as contained in 14 CFR chapter II, with a view to eliminating obsolete terms and provisions, and making changes to bring the rules into conformance with the Department's current needs and to facilite their use by the public. Toward that end, on January 3, 1992, the Department of Transportation issued a notice of proposed rulemaking (NPRM) (57 FR 3366, January 29, 1992) to amend a number of these aviation economic rules (parts 200, 203, 205, 206, 231, 232, 263, 288, 294, 296, 297, 298, 302, 372, 380, 384, 387, and 399).

The most noteworthy of the substantive revisions proposed in the NPRM are as follows:

The provisions of Subpart E—Liability Insurance Requirements of Part 298—Exemption for Air Taxi Operations would be added to Part 205—Aircraft Accident Liability Insurance. Two new insurance certificates (OST Forms 6410 and 6411) would be created to replace current forms, one (OST Form 6410) to be filed for all U.S. direct air carriers (air taxi operators, commuter air carriers, and certificated carriers operating either large or small aircraft), and one (OST Form 6411) for all foreign direct air carriers (Canadian charter air taxis operating either large or small aircraft and all other foreign air carriers operating either large or small aircraft). The current forms (OST Forms 4520 and 4521, and DOT Form 4522) would still be acceptable during the period of transition to the new forms.

In addition, the liability exclusions contained in § 298.44 and the Standard Endorsement (DOT Form 4522) to air taxi operators' aircraft accident insurance policies would be eliminated.

Air taxi operators would become subject to the cargo liability disclosure provisions of § 205.8.

In § 294.2(j) of Part 294—Canadian Charter Air Taxi Operators, the definition of "small aircraft" would be amended to make the definition consistent with the 1974 U.S.-Canada Non-scheduled Air Services Agreement.

New § 206.5—Small aircraft operations by certificated carriers would replace subpart I of part 298. The new section would provide that, when operating small aircraft, certificated carriers are exempt from certain sections of the Act that are set forth in part 298 Subpart B—Exemptions. New § 206.5 also would specify various other rules to which certificated carriers operating small aircraft would continue to be subject.

Other rules being relocated or redesignated include the following:

(1) Part 288—Exemption of Air Carriers for Military Transportation—relocated to new § 206.4;

(2) Part 263—Participation of Air Carriers Associations in Board Proceedings—redesignated § 302.10a.

Rules to be eliminated include the following:

(1) The provisions of part 298 subpart I not transferred to part 206—specifically, §§ 298.90 (a) and (c), 298.93(a), 298.94, 298.97, 298.100;

(2) Section 206.2—Omission of stop at route junction points;

(3) Part 231—Exemption from Schedule Filing, except for the provision which relieves carriers from the need to periodically file copies of their flight schedules, which would be relocated to new § 206.2;

(4) Part 235—Reinvestment of Gains Derived from the Sale or Other Disposition of Flight Equipment;

(5) Part 295—Classification and Exemption of Alaskan Air Carriers;

(6) Part 384—Statement of Organization, Delegation of Authority, and Availability of Records and Information;

(7) Part 387—Organization and Operation during Emergency Conditions; and

(8) Section 399.110(e) of Part 399—Statements of General Policy.

Summary of Comments

Comments on the proposed changes were received from Sky Service FBO, American Travel Abroad, Inc., American Airlines, Inc., and jointly from American Trans Air, Inc., and Amber Tours, Inc.

Sky Service FBO, a Canadian charter air taxi operator registered under part 294 of the Department's regulations, commented on the Department's proposal to amend § 294.2(j) of Part 294—Canadian Charter Air Taxi Operators. That Part states that the aircraft to be operated by Canadian charter air taxi operators under part 294 must be "small aircraft," which term is defined in § 294.2(j) as "any aircraft designed to have both: (1) A maximum passenger capacity of not more than 30 seats or a maximum payload capacity of not more than 7,500 pounds, and (2) a maximum authorized takeoff weight on wheels not greater than 35,000 pounds." In the NPRM, the Department proposed to change that definition by eliminating the word "both" and changing the word "and" to "and/or" in order to make the definition consistent with the 1974 U.S.-Canada Nonscheduled Air Services Agreement. Sky Service stated that it operates aircraft that are qualified as "small aircraft" under the United States-Canada Agreement but not under § 294.2(j). As a result, in order to register with the Department as a Canadian charter air taxi operator under Part 294, Sky Service has found it necessary to expend time and resources to obtain a waiver from the Department for each aircraft that does not meet the "small aircraft" definition in our rule. Sky Service therefore supports the Department's intention to change its "small aircraft" definition in line with that contained in the U.S.-Canada Agreement.

American Travel Abroad, Inc. (AMTA), a U.S. tour operator, commented about the Department's proposal to require charter price information to be disclosed in connection with public charter operations under part 380 (*see* § 380.28(a)(1)) and part 380 appendix B). In the NPRM, the Department proposed to substitute for appendix B a new form, "Statement of Charter Operator and Direct Air Carrier" (OST Form 4532), on which the charter operator was to disclose the charter price for each flight. A footnote to this item authorized the charter operator to show the charter price in separate correspondence if confidentiality was desired. AMTA pointed out that, where a charter operator utilizes blanket security arrangements in accordance with § 380.34(b), the Department has routinely allowed the withholding of charter price information. AMTA recommended that the Department adopt its current practice in such circumstances and eliminate the requirement to reveal the charter price, except where that information is needed to determine the amount of security required under § 380.34(a).

American Airlines, Inc., suggested that the Department eliminate the airline traffic and financial reporting requirements for carriers operating "small" aircraft, as set forth in subpart F of part 298. In the event such a step is not deemed appropriate, American proposes that new § 206.5 should clarify that a carrier operating both "large" and "small" aircraft is subject only to the reporting requirements applicable to operations with "large" aircraft as set forth in part 241, rather than both that part and part 298.

American Trans Air, Inc., a U.S. charter carrier, and Amber Tours, Inc., an affiliated charter operator (collectively, ATA), supported the technical changes proposed to part 380 in the NPRM, but also recommended that the charter rules should undergo a more comprehensive reform.

Discussion of Comments

Part 294 implements, in part, the U.S.-Canada Nonscheduled Air Services Agreement of 1974 (Agreement). Part 294 authorizes qualified Canadian air carriers to operate nonscheduled transborder charter service with "small aircraft" as that term is defined in the Agreement.

The manner in which "small aircraft" is defined in the Agreement has made it difficult to develop a small aircraft definition for part 294 that encompasses all qualified aircraft types. The current definition in part 294 is restrictive. Therefore, whenever a carrier desires to operate an aircraft that qualifies as small under the Agreement but not under part 294, it must obtain a Department waiver from part 294 to do so.

In the NPRM, we proposed an expanded, "small aircraft" definition for part 294 to include specifications that would qualify additional aircraft types under the Agreement. Sky Service's comment, while in favor of the proposed change, also noted that the NPRM language is more liberal than the language in the Agreement. The commenter's observation with respect to the liberal nature of the proposed definition is noteworthy. In fact, upon further review, we have determined that the definition in the NPRM is liberal to a fault, as it could be construed as allowing large aircraft cargo charter flights, which is not the intent of part 294.

In light of the above, we are replacing the NPRM language defining small aircraft in part 294 with the following, which is slightly more restrictive that that proposed and precludes an interpretation permitting the use of large aircraft, but which allows the use of the types of aircraft for which the Department has granted most waivers to date:

§ 294.2(j) "Small aircraft" means any aircraft designed to have: (1) A maximum passenger capacity of not more than 30 seats and a maximum payload capacity of not more than 7,500 pounds, and/or (2) a maximum authorized takeoff weight on wheels not greater than 35,000 pounds.

We will make an identical revision in the "small aircraft" definitions which appear in § 294.30(b)(1) and in the new insurance certificate to be used by Canadian charter air taxi operators (OST Form 6411).

In response to American Airlines' concern that new § 206.5 does not clearly state that certificated carriers operating both large and small aircraft are required to comply only with the reporting requirements of part 241, we are amending § 206.5(a) to clarify that certificated carriers with both large and small aircraft operations are subject only to the reporting requirements of part 241.

With respect to the comments of AMTA and ATA concerning the charter

regulations, the Department has decided to undertake a comprehensive review of those rules which will be covered in a future rulemaking. Therefore, in order to avoid a piecemeal approach to rulemaking, we are withdrawing all of the changes proposed to be made in Part 380—Public Charters in the NPRM.

In addition, there are two other changes being made to the NPRM. First, in the NPRM, we amended § 294.60(a) to state that, instead of filing CAB Form 433, as the current rule instructs, Canadian charter air taxi operators should apply for part 294 registration with the Office of Aviation Analysis, Regulatory Analysis Division. That provision is being revised in the Final Rule to instruct Canadian charter air taxi operators to file OST Form 4540 with the Office of International Aviation, Foreign Air Carrier Licensing Division. Second, the Department proposed in the NPRM to delete parts 235, 292, 384 and 387, which contain obsolete provisions. Subsequently, however, as the result of an agency-wide review of its regulations, the Department issued an NPRM which proposed to delete a large number of obsolete and redundant regulations (57 FR 21362, May 20, 1992), including the four parts noted above. Therefore, we are withdrawing the proposed removal of parts 235, 292, 384 and 387.

Conclusion

After carefully weighing the comments provided in response to the NPRM, and for the reasons discussed above, we have decided to adopt the changes as set forth in the NPRM, except as follows:

1. At the end of § 205.4, replace the Office of Management and Budget control information with the following: "(Approved by the Office of Management and Budget under control number 2106–0030)".

2. Section 206.5(a) (2) and (3) are revised and § 206.5(a)(4) is added to read as follows:

Section 206.5 Small aircraft operations by certificated carriers.

(a) * * *

(1) * * *

(2) Part 215,

(3) Part 298, subpart D, § § 298.30 and 298.38, and subpart H, and

(4) Part 298, subpart F, if the certificated carrier conducts operations with small aircraft only (a certificated carrier conducting both small and large aircraft operations is subject only to the reporting requirements contained in part 241 of this chapter).

3. In § § 294.2(j) and 294.30(b)(1), remove the word "or" where it appears the first time and add, in its place, the word "and".

In addition, the definition of "Canadian Charter Air Taxi Operators with Part 294 Authority Only," found in OST Form 6411, Part 2.A., has been revised to read as follows: "The aircraft covered by this policy have: (1) 30 or fewer passenger seats and a maximum payload capacity of 7,500 pounds or less, and/or (2) a maximum authorized takeoff weight on wheels of no more than 35,000 pounds." Part 2.B on that form, which is applicable to Canadian Charter Air Taxi Operators utilizing large aircraft, has been replaced by a footnote in Part 2.A. stating that the minimum liability limit per occurrence for operations with such aircraft shall be $20,000,000.

4. In § 294.60(a), remove the words "CAB Form 433", where they appear the first time, through the end of the sentence and add, in their place, the words "OST Form 4540 with the Office of International Aviation, Foreign Air Carrier Licensing Division. OST Form 4540 may be obtained from the Foreign Air Carrier Licensing Division."

5. All amendments to parts 235, 292, 380, 384, and 387 are withdrawn.

Economic Impacts

This action has been reviewed under Executive Order 12291 and it has been determined that this is not a major rule. It will not result in an annual effect on the economy of $100 million or more. There will be no increase in production costs or prices for consumers, individual industries, Federal, State or local governments, agencies or geographic regions. Furthermore, this rule will not adversely affect competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. Therefore, a regulatory impact analysis is not required. The regulation amendments are not significant under the Department's Regulatory Policies and Procedures, dated February 26, 1979, because they do not involve important Departmental policies; rather, they are being made solely for the purposes of eliminating or correcting obsolete requirements and reorganizing the presentation of the regulations used by the Department to administer its air carrier economic regulatory functions.

The Department has considered the implications of this rulemaking under the requirements of Executive Order 12612, Federalism, and has determined that the preparation of a Federalism Assessment is not warranted. The regulations herein will not have substantial direct effects on the States, on the relationship between the Federal Government and the States, or on the distribution of power and responsibility among the various levels of government.

For purposes of its aviation economic regulations, Departmental policy categorizes air carriers operating small aircraft (60 seats or less or 18,000 pounds maximum payload or less) in strictly domestic service as small entities for purposes of the Regulatory Flexibility Act. I certify that this rule will not have a significant economic impact on a substantial number of small entities. The ability of such entities to engage in air carrier operations essentially will be unaffected by the proposed regulation amendments.

The reporting and recordkeeping requirement associated with this rule was approved by the Office of Management and Budget on April 14, 1992, for use through December 31, 1994 under OMB Control No. 2106–0030.

List of Subjects

14 CFR Part 200

Air transportation.

14 CFR Part 203

Air carriers, Air transportation, Foreign relations, Insurance, Reporting and recordkeeping requirements.

14 CFR Part 205

Air carriers, Freight, Insurance, Reporting and recordkeeping requirements.

14 CFR Part 206

Air carriers, Emergency medical services, News media.

14 CFR Part 231

Air carriers, Postal Service.

14 CFR Part 232

Administrative practice and procedure, Air carriers, Postal Service.

14 CFR 263

Administrative practice and procedure, Air carriers.

14 CFR Part 288

Charter flights, Military air transportation.

14 CFR Part 294

Air taxis, Canada, Charter flights, Reporting and recordkeeping requirements.

14 CFR Parts 296 and 297

Air carriers, Freight forwarders.

14 CFR Part 298

Air taxis, Alaska, Canada, Insurance, Reporting and recordkeeping requirements.

14 CFR Part 302

Administrative practice and procedure, Air carriers, Postal Service.

14 CFR Part 372

Charter flights, Military air transportation, Reporting and recordkeeping requirements, Surety bonds.

14 CFR Part 399

Administrative practice and procedure, Air carriers, Air rates and fares, Air taxis, Consumer protection, Small businesses.

Proposed Rule

For the reasons set out in the preamble, title 14, chapter II of the Code of Federal Regulations is proposed to be amended as follows:

1. Part 200 is revised to read as follows:

PART 200—DEFINITIONS AND INSTRUCTIONS

Sec.
200.1 Terms and definitions.
200.2 Instructions.

Authority: 49 U.S.C. 1324, 1371, 1373, 1374, 1377, 1378, 1379, 1381, 1382, 1383, 1384, 1385, 1387, 1482.

§ 200.1 Terms and definitions.

Unless otherwise specifically stated, words and phrases other than those listed in this section have the meaning defined in the Act.

(a) *Board* or *CAB* means the Civil Aeronautics Board.

(b) *Department* or *DOT* means the Department of Transportation.

(c) *Act* means the Federal Aviation Act of 1958, as amended.

(d) *Section* refers to a section of the Act or a section of the regulations in this chapter, as indicated by the context. The terms *this section, pursuant to this section, in accordance with the provisions of this section,* and words of similar import when used in this chapter refer to the section of this subchapter in which such terms appear.

(e) *Rule, regulation,* and *order* refer to the rules, regulations, and orders prescribed by the Board or the Department pursuant to the Act.

§ 200.2 Instructions.

The regulations of the Department may be cited by section numbers. For example, this regulation may be cited as "§ 200.2 of the Aviation Economic Regulations." The sections contained in the Rules of Practice may also be cited by appropriate rule numbers. (See § 302.2 of this chapter.) For example, 14 CFR 302.10 may be cited as "rule 10 of the Rules of Practice."

PART 203—[AMENDED]

2. The authority citation for part 203 is revised to read as follows:

Authority: 49 U.S.C. 1301, 1324, 1371, 1372, 1373, 1374, 1377, 1378, 1381, 1386, 1387, 1388, 1389.

§§ 203.1, 203.4 and 203.5 [Amended]

3. In §§ 203.1, 203.4(a), and 203.5, remove the word "CAB".

4. Section 203.3 is revised to read as follows:

§ 203.3 Filing requirements for adherence to Montreal Agreement.

All direct U.S. and foreign air carriers shall have and maintain in effect and on file in the Department's Documentary Services Division (Docket 17325) on OST Form 4523 a signed counterpart to Agreement 18900, an agreement relating to liability limitations of the Warsaw Convention and Hague Protocol approved by CAB Order E–23680, dated May 13, 1966 (the Montreal Agreement), and a signed counterpart of any amendment or amendments to such Agreement that may be approved by the Department and to which the air carrier or foreign air carrier becomes a party. U.S. air taxi operators registering under part 298 of this chapter and Canadian charter air taxi operators registering under part 294 of this chapter may comply with this requirement by filing completed OST Forms 4507 and 4523, respectively, with the Department's Office of Aviation Analysis. Copies of these forms can be obtained from the Office of Aviation Analysis, Regulatory Analysis Division.

§ 203.4 [Amended]

5. In § 203.4(a), remove the words "Board's Tariff" and add, in their place, the words "Department's Tariffs".

§ 203.5 [Amended]

6. In § 203.5, remove the word "Board" and add, in its place, the word "Department".

PART 205—[AMENDED]

7. The authority citation for part 205 is revised to read as follows:

Authority: 49 U.S.C. 1324, 1371, 1372, 1386, 1388, 1389.

§§ 205.1, 205.3, 205.6, 205.7 [Amended]

In §§ 8.205.1, 205.3(a), 205.3(e), 205.6(a), 205.6(b)(2)—only where it appears the second time, 205.7(a), and 205.7(b), remove the word "Board" and add, in its place, the word "Department".

§ 205.1 [Amended]

9. In § 205.1, remove the word "certain"; and, after the word "foreign" where it appears the second time in the section, add the word "direct".

10. Section 205.2 is revised to read as follows:

§ 205.2 Applicability.

These rules apply to all U.S. direct air carriers, including commuter air carriers and air taxi operators as defined in § 298.2 of this chapter, and foreign direct air carriers, including Canadian charter air taxi operators as defined in § 294.2(c) of this chapter.

11. In the third sentence of § 205.3(a), remove the words "self-insurance plan" and add, in their place, the words "complete plan for self-insurance"; in the fourth sentence of § 205.3(a), remove the words "summary of" and add, in their place, the words "a summary of the complete".

12. Sections 205.4 and 205.5 are revised to read as follows:

§ 205.4 Filing of evidence of insurance.

(a) A U.S. or foreign air carrier shall file a certificate of insurance or a complete plan for self-insurance with the Department's Office of Aviation Analysis. Each carrier shall ensure that the evidence of aircraft accident liability coverage filed with the Department is correct at all times. The Department will normally notify the carrier within 20 days of receipt if the certificate or plan does not meet the requirements of this part. The two Certificates of Insurance (OST Form 6410 for U.S. air carriers, including commuter air carriers and air taxi operators, and OST Form 6411 for foreign air carriers, including Canadian charter air taxi operators) are available from the Office of Aviation Analysis. The Department may return the certificate or self-insurance plan to the carrier if it finds for good cause that such plan or certificate does not show adequate evidence of insurance coverage under this part.

(b) If the coverage is by type or class of aircraft or by specific aircraft, endorsements that add previously unlisted aircraft or aircraft types or classes to coverage, or that delete listed aircraft, types, or classes from coverage, shall be filed with the Department's Office of Aviation Analysis not more than 30 days after the effective date of the endorsements. Aircraft shall not be listed in the carrier's operations specifications with the FAA and shall

not be operated unless liability insurance coverage is in force.

(c) When the insured air carrier is a U.S. air taxi operator operating in the State of Alaska, certificates and endorsements shall be filed with the Department's Alaska Field Office, 222 West Seventh Street, Box 27, Anchorage, Alaska 99513.

(Approved by the Office of Management and Budget under control number 2106–0030)

§ 205.5 Minimum coverage.

(a) Insurance contracts and self-insurance plans shall provide for payment on behalf of the carrier, within the specific limits of liability in this section, of all sums that the carrier shall become legally obligated to pay as damages, excluding any deductible in the policy, for bodily injury to or death of a person, or for damage to the property of others, resulting from the carrier's operation or maintenance of aircraft in air transportation provided under its authority from the Department.

(b) U.S. and foreign direct air carriers, including commuter air carriers but excluding U.S. air taxi operators and Canadian charter air taxi operators, shall maintain the following coverage:

(1) Third-party aircraft accident liability coverage for bodily injury to or death of persons, including nonemployee cargo attendants, other than passengers, and for damage to property, with minimum limits of $300,000 for any one person in any one occurrence, and a total of $20,000,000 per involved aircraft for each occurrence, except that for aircraft of not more than 60 seats or 18,000 pounds maximum payload capacity, carriers need only maintain coverage of $2,000,000 per involved aircraft for each occurrence.

(2) Any such carrier providing air transportation for passengers shall, in addition to the coverage required in paragraph (b)(1) of this section, maintain aircraft accident liability insurance coverage for bodily injury to or death of aircraft passengers, with minimum limits of $300,000 for any one passenger, and a total per involved aircraft for each occurrence of $300,000 times 75 percent of the number of passenger seats installed in the aircraft.

(c) U.S. air taxi operators registered under part 298 shall maintain the following coverage:

(1) Third-party aircraft accident liability coverage for bodily injury to or death of persons, including nonemployee cargo attendants, other than passengers, with minimum limits of:

(i) $75,000 for any one person in any one occurrence, and a total of $300,000 per involved aircraft for each occurrence, and

(ii) A limit of a least $100,000 for each occurrence for loss of or damage to property.

(2) U.S. air taxi operators carrying passengers in air transportation shall, in addition to the coverage required in paragraph (c)(1) of this section, maintain aircraft accident liability insurance coverage for bodily injury to or death of aircraft passengers, with minimum limits of $75,000 for any one passenger, and a total per involved aircraft for each occurrence of $300,000 times 75 percent of the number of passenger seats installed in the aircraft.

(d) Canadian charter air taxi operators registered under part 294 of this chapter shall maintain the following coverage:

(1) Third-party aircraft accident liability coverage for bodily injury to or death of persons, including nonemployee cargo attendants, other than passengers, and for damage to property, with a minimum coverage of $75,000 for any one person in any one occurrence, and a total of $2,000,000 per involved aircraft for each occurrence, except that Canadian charter air taxi operators operating aircraft of more than 30 seats or 7,500 pounds maximum cargo payload capacity, and a maximum authorized takeoff weight on wheels not greater than 35,000 pounds shall maintain coverage for those aircraft of $20,000,000 per involved aircraft for each occurrence.

(2) Canadian charter air taxi operators engaging in passenger charter air service under part 294 of this chapter shall, in addition to the coverage required in paragraph (d)(1) of this section, maintain aircraft accident liability coverage for bodily injury to or death of aircraft passengers, with a minimum coverage of $75,000 for any one passenger and a total per involved aircraft for each occurrence of $75,000 times 75 percent of the total number of passenger seats installed in the aircraft.

(e) Notwithstanding paragraphs (b), (c) and (d) of this section, the carrier may be insured for a combined single limit of liability for each occurrence. The combined single-limit coverage must be not less than the combined required minimums for bodily injury and property damage coverage plus, if the aircraft is used in passenger service, the required total passenger coverages stipulated in paragraph (b) of this section for U.S. and foreign direct air carriers and commuter carriers, paragraph (c) of this section for U.S. air taxi operators, or paragraph (d) of this section for Canadian charter air taxi operators.[1] The single-limit liability policy for the required aircraft accident liability coverage may be provided by a single policy or by a combination of primary and excess policies.

(f) The liability coverage shall not be contingent upon the financial condition, solvency, or freedom from bankruptcy of the carrier. The limits of the liability for the amounts required by this part shall apply separately to each occurrence. Any payment made under the policy or plan because of any one occurrence shall not reduce the coverage for payment of other damages resulting from any other occurrence.

§ 205.6 [Amended]

13. In § 205.6(b)(2), remove the word "CAB".

§ 205.7 [Amended]

14. In § 205.7(a), remove the words beginning with "the Board's Special Authorities Division" through the end of the first sentence, and add, in their place, the words "the Department's Office of Aviation Analysis (or, for Alaskan air taxi operators, to the Department's Alaska Field Office), which 10-day notice period shall start to run from the date such notice is actually received at the Department".

PART 206—CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY: SPECIAL AUTHORIZATIONS AND EXEMPTIONS

15. The heading of part 206 is revised to read as set forth above.

16. The authority citation for part 206 is revised to read as follows:

Authority: 49 U.S.C. 1324, 1373, 1375, 1386, 1396, 1551.

17. Section 206.2 is revised to read as follows:

§ 206.2 Exemption from schedule filing.

All air carriers are hereby exempted from the requirements of the first sentence of section 405(b) of the Act, which provides that each air carrier must periodically provide the Department and the U.S. Postal Service a listing of all of its regularly operated aircraft schedules and schedule changes, showing for each schedule the

[1] For example: the minimum single limit of liability acceptable for any aircraft in air taxi passenger service with 16 passenger seats would be computed on the basis of limits set forth in paragraph (c) as follows: 16 × .75 equals 12; 12 × $75,000 equals $900,000; $900,000 plus $300,000 (nonpassenger liability per occurrence) plus $100,000 (property damage per occurrence) equals $1,300,000. The latter amount is the minimum in which a single-limit liability policy may be written.

points served and the departure and arrival times.

18. Section 206.3 is revised to read as follows:

§ 206.3 Transportation of newspersons by all-cargo carriers.

Notwithstanding the provisions of sections 401(a) and 403 of the Act and part 221 of this chapter, an air carrier holding a certificate of public convenience and necessity for the transportation of only property and mail may provide transportation to persons on regularly scheduled cargo flights for the purpose of collecting data for preparation of feature news, pictorial or like articles provided that the transportation is limited to the writer, journalist, or photographer engaged in the preparation of data for use in feature news, pictorial, or like articles which are to appear in newspapers or magazines, or on radio or television programs and which will publicize the regularly scheduled cargo operations of the carrier.

19. Section 206.4 is added to read as follows:

§ 206.4 Exemption of air carriers for military transportation.

Air carriers providing air transportation pursuant to a contract with the Department of Defense are hereby exempted from section 403 of the Act, and from part 221, §§ 207.4 and 208.32, of this chapter, with respect to those services.

20. Section 206.5 is added to read as follows:

§ 206.5 Small aircraft operations by certificated carriers.

(a) A carrier holding an effective certificate issued under section 401 of the Act, when conducting operations with small aircraft, is exempt from the requirements of the Act as set forth in subpart B of part 298 of this chapter, except section 407 of the Act, and is subject to the requirements set forth in the following provisions of this chapter:

(1) Part 205, with the minimum coverage requirements of § 205.5(b),

(2) Part 215,

(3) Part 298, subpart D, §§ 298.30, and 298.38, and subpart H, and

(4) Part 298, subpart F, if the certificated carrier conducts operations with small aircraft only (a certificated carrier conducting operations with both small and large aircraft is subject only to the reporting requirements contained in part 241 of this chapter).

(b) If a certificated carrier, when conducting operations with small aircraft, provides foreign air transportation that includes a segment for which tariff filing is required and another segment for which tariff filing is not required, then for through service over that routing the carrier has the option of filing a tariff or charging the sum of the applicable local rates, fares, or charges. If the carrier files a tariff for through service, it is not exempt from section 403 or section 404(b) of the Act for that air transportation.

PART 231—[REMOVED]

21. Part 231 is removed.

PART 232—[AMENDED]

22. The authority citation for part 232 is revised to read as follows:

Authority: 49 U.S.C. 1324, 1375.

§§ 232.1, 232.2, 232.3, 232.4, 232.5 [Amended]

23. In §§ 232.1(a), 232.1(b)(4), 232.2(a), 232.3, 232.4(a), 232.4(c), and 232.5(a), remove the word "Board" and add, in its place, the word "Department", and in § 232.1(b)(10), remove the word "CAB" and add, in its place, the word "DOT".

PART 263—[REMOVED]

24. Part 263 is removed.

PART 288—[REMOVED]

25. Part 288 is removed.

PART 294—[AMENDED]

26. The authority citation for part 294 is revised to read as follows:

Authority: 49 U.S.C. 1324, 1386.

27. Throughout part 294, remove the word "Board" and add, in its place, the word "Department"; remove the word "Board's" and add, in its place, the word "Department's"; remove the words "Civil Aeronautics Board" and add, in their place, the words "Department of Transportation"; and remove the words "Civil Aeronautics Board's" and add, in their place, the words "Department of Transportation's".

28. Section 294.2(j) is revised to read as follows:

§ 294.2 Definitions.

* * * * *

(j) *Small aircraft* means any aircraft designed to have:

(1) A maximum passenger capacity of not more than 30 seats and a maximum payload capacity of not more than 7,500 pounds, and/or

(2) maximum authorized takeoff weight on wheels not greater than 35,000 pounds.

§§ 294.3, 294.20, 294.22 [Amended]

29. In §§ 294.3(d), 294.20(b), and 294.22(a)(2), remove the words "CAB Form 263" or "CAB Forms 263" and add, in their place, the words "OST Form 4523" or "OST Forms 4523" respectively.

§§ 294.3 and 294.22 [Amended]

30. In §§ 294.3(d) and 294.22(a)(2), remove the word "CAB".

§§ 294.20, 294.21, 294.22 [Amended]

31. In § 294.20(b) 294.21(d), 294.21(e)(1), 294.22 introductory text, and 294.22(a) introductory text, remove the words "CAB Form 294–A" or "Form 294–A" and add, in their place, the words "OST Form 4505" or "Form 4505".

§ 294.20 [Amended]

32. In § 294.20(b), remove the words "Publications Services Division, Washington, DC 20428" and add, in their place, the words "Office of Aviation Analysis, Regulatory Analysis Division".

§§ 294.20, 294.22, 294.21, 294.40 [Amended]

33. In the introductory text of §§ 294.20 and 294.22, and in §§ 294.21(b) and 294.40, remove the words "Bureau of International Aviation, Regulatory Affairs Division" and add, in their place, the words "Office of Aviation Analysis, Regulatory Analysis Division".

§ 294.21 [Amended]

34. In 294.21(e)(1), remove the words "Regulatory Affairs Division, Bureau of International Aviation", and add, in their place, the words "Office of Aviation Analysis, Regulatory Analysis Division".

35. In § 294.30, remove the word "both" in paragraph (b) introductory text, and revise paragraphs (b)(1) and (b)(2) to read as follows:

§ 294.30 Scope of service and equipment authorized.

* * * * *

(b) * * *

(1) A maximum passenger capacity of no more than 30 seats and a maximum payload capacity of no more than 7,500 pounds, and/or

(2) A maximum authorized takeoff weight on wheels not greater than 35,000 pounds.

§ 294.33 [Amended]

36. In § 294.33, third paragraph, remove the words "Rochester General Aviation District Office, Rochester-Monroe County Airport" and add, in their place, the words "Flight Standards District Office, 1 Airport Way"; and, in the fourth paragraph, remove the words beginning with "Chief, Flight Standards," through the end of the sentence and add, in their place, the words "Federal Aviation

Administration, General Aviation District Office, 1601 Lind Avenue, SW., Renton, Washington 98055.".

36a. In § 294.33, the existing four paragraphs of text are designated as paragraphs (a) through (d).

§ 294.60 [Amended]

37. In § 294.60(a), remove the words beginning with "CAB Form 433", where they appear the first time, through the end of the paragraph and add, in their place, the words "OST Form 4540 with the Office of International Aviation, Foreign Air Carrier Licensing Division. OST Form 4540 may be obtained from the Foreign Air Carrier Licensing Division."

PART 296—[Amended]

38. The authority citation for part 296 is revised to read as follows:

Authority: 49 U.S.C. 1301, 1302, 1324, 1378, 1379, 1386.

§ 296.3 [Amended]

39. In § 296.3, remove the word "Board" and add, in its place, the words "Department of Transportation or the Civil Aeronautics Board".

§ 296.20 [Amended]

40. In § 296.20, remove the word "Board" and add, in its place, the word "Department".

PART 297—[Amended]

41. The authority citation for part 297 is revised to read as follows:

Authority: 49 U.S.C. 1324, 1386.

42. Throughout part 297, remove the word "Board" and add, in its place, the word "Department"; remove the word "Board's" and add, in its place, the word "Department's"; remove the words "Civil Aeronautics Board" and add, in their place, the words "Department of Transportation"; and remove the words "Civil Aeronautics Board's" and add, in their place, the words "Department of Transportation's".

§ 297.3 [Amended]

43. In §§ 297.3(a) and 297.3(b), remove the words "air freight forwarder register under part 296" and add, in their place, the words "indirect cargo air carrier as defined in part 296 of this chapter".

44. In § 297.3(c), remove the word "Board" and add, in its place, the words "Department of Transportation or the Civil Aeronautics Board".

§ 297.10 [Amended]

45. In § 297.10(a)(5), the word "interstate" is revised to read "interstate".

§ 297.20 [Amended]

46. In § 297.20(a), remove the words "Director, Bureau of International Aviation" and add, in their place, the words "Director, Office of Aviation Analysis".

§§ 297.20, 297.22, 297.24 [Amended]

47. In §§ 297.20(b), 297.22(a), 297.24(a), and 297.24(b), remove the words "CAB Form 297A" or "Form 297A" and add, in their place, the words "OST Form 4506" or "Form 4506".

§§ 297.20, 297.21, 297.24 [Amended]

48. In §–297.20(b), 297.21, and 297.24(a), remove the words "Bureau of International Aviation, Regulatory Affairs Division" and add, in their place, the words "Office of Aviation Analysis, Regulatory Analysis Division".

§ 297.20 [Amended]

49. In § 297.20(b), remove the words "Civil Aeronautics Board, Publications Services Division, Washington, DC 20428" and add, in their place, the words "Regulatory Analysis Division".

PART 298—[AMENDED]

50. The authority citation for part 298 is revised to read as follows:

Authority: 49 U.S.C. 1301, 1324, 1371, 1374, 1377, 1386, 1388, 1389.

51. Throughout part 298, remove the word "Board" (except in § 298.3(a)(2)) and add, in its place, the word "Department"; remove the word "Board's" and add, in its place, the word "Department's"; remove the words "Civil Aeronautics Board" (except where they occur in § 298.60(a)) and add, in their place, the words "Department of Transportation"; and remove the words "Civil Aeronautics Board's" (except where they occur in § 298.64(e)) and add, in their place, the words "Department of Transportation's".

§§ 298.21, 298.11, 298.30, 298.31 [Amended]

52. In the heading for part 298, the heading for § 298.21, and §§ 298.11 introductory text, 298.11(c) introductory text, 298.30(a), and 298.31, after the words "air taxi" or "air taxi operators", add the words "and commuter air carrier" or "and commuter air carriers", respectively.

§§ 298.3, 298.4, 298.5, 298. 11, 298.21, 298.23, 298.24, 298.30, 298.37, 298.38 [Amended]

53. In the heading for § 298.5 and §§ 298.3(b), 298.4, 298.5, 298.11 introductory text, 298.11(b), 298.11(c)(3), 298.11(d), 298.21(b), 298.21(c)(1)(v), 298.21(c)(1)(vi), 298.23(a) introductory text, 298.24 introductory text, 298.30(b), 298.35, 298.37, and 298.38, after the words "air taxi operator" or "air taxi", add the words "or commuter air carrier"; after the words "air taxi operators", add the words "or commuter air carriers".

54. In § 298.1, the last sentence is revised to read as follows:

§ 298.1 Applicability of part.

* * * This part also establishes reporting requirements for commuter air carriers and small certificated air carriers.

§ 298.2 [Amended]

55. In § 298.2(e-1), remove the number "413" and add, in its place, the number "418".

56. In § 298.2(f), the word "tips" is revised to read "trips".

§ 298.3 [Amended]

57. In § 298.3(a)(2), remove the word "Board" and add, in its place, the words "the Department or the CAB".

58. In § 298.3(a)(4), remove the words "Subpart E of this part" and add, in their place, the words "Part 205 of this chapter".

§§ 298.3, 298.11, 298.21 [Amended]

59. In §§ 298.3(a)(5), 298.11(b)(2), and 298.21(c)(4)(iii), remove the word "CAB" where it occurs in "CAB Agreement 18900"; remove the words "CAB Form 263" and add, in their place, the words "OST Form 4523".

§§ 298.3, 298.21, 298.23 [Amended]

60. In §§ 298.3(a)(5), 298.21(c)(1) introductory text and footnote 6, 298.21(c)(4), and 298.23(b), remove the words "CAB Form 298–A" or "CAB Form 298–A (Rev.)", and add, in their place, the words "OST Form 4507".

§ 298.4 [Amended]

61. In § 298.4, remove the words "Secretary of the Board" and add, in their place, the words "Director, Office of Aviation Analysis".

§ 298.5 [Amended]

62. In § 298.5, remove the words "On or after January 9, 1978, any" and add, in their place the word "Any".

§ 298.11 [Amended]

63. In § 298.11(b)(2), remove the words "Subpart G of this part" and add, in their place, the words "part 203 of this chapter".

64. In § 298.11(d), before the words "air carriers" where they appear for the first time in the paragraph, add the word "certificated".

§ 298.21 [Amended]

65. In § 298.21(a), remove the words "Director of the Bureau of Pricing and Domestic Aviation" and add, in their place, the words "Director, Office of Aviation Analysis".

66. The introductory text of § 298.21(c) is revised to read as follows:

§ 298.21 Filing for registration by air taxi operators and commuter air carriers.

* * * * *

(c) Registration by all commuter air carriers, and by those air taxi operators with a mailing address in any U.S. State or Territory except Alaska, shall be accomplished by filing with the Department's Office of Aviation Analysis (or with the Department's Alaska Aviation Field Office, 222 West Seventh Street, Box 27, Anchorage, Alaska 99513, for air taxi operators that are not also commuter air carriers and that have a mailing address in the State of Alaska) the following:

* * * * *

§ 298.21 [Amended]

67. In § 298.21(c)(1) introductory text, remove the words " 'Air Taxi Operator and Commuter Air Carrier Registration and Amendments Under part 298 of the Economic Regulations of the Civil Aeronautics Board' ".

68. In §§ 298.21(c)(1), footnote 6 and 298.21(c)(4), remove the words "Publications Services Section, Civil Aeronautics Board, Washington, DC 20428" or "Publications Services Division, Civil Aeronautics Board, Washington, DC 20428" and add, in their place, the words "Office of Aviation Analysis, Regulatory Analysis Division".

69. In § 298.21(c)(2), remove the word "§ 298.41(b)" and add, in its place, the words "part 205 of this chapter".

70. Section 298.21(d) is revised to read as follows:

§ 298.21 Filing for registration by air taxi operators and commuter air carriers.

* * * * *

(d) No air taxi operator shall provide scheduled passenger service at an eligible point unless it has registered with the Department as a commuter air carrier and has been found by the Department to be fit, willing, and able to conduct such service.

* * * * *

§ 298.22 [Amended]

71. In § 298.22, the word "retrun" is revised to read "return".

§ 298.23 [Amended]

72. In § 298.23(b), remove the words "Bureau of Domestic Aviation" and add, in their place, the words "Office of Aviation Analysis".

73. In § 298.23(b), remove the words "Board's Field Office," and add, in their place, the words "Department's Alaska Aviation Field Office, 222 West Seventh Avenue,".

§ 298.34 [Removed and reserved]

74. Section 298.34 is removed and reserved.

75. Section 298.35 is revised to read as follows:

§ 298.35 Limitations on carriage of mail.

An air taxi operator or commuter air carrier is not authorized to carry mail except pursuant to contract with the Postal Service entered into pursuant to section 5402 of the Postal Reorganization Act (39 U.S.C. 5402).

§ 298.36 [Amended]

76. In § 298.36(a), remove the word "operating".

77. In § 298.36, paragraph (c) is redesignated paragraph (d), and a new paragraph (c) is added to read as follows:

§ 298.36 Limitation on use of business name.

* * * * *

(c) Commuter air carriers are subject to the provisions of part 215 of this chapter with regard to the use and change of air carrier names.

* * * * *

§ 298.37 [Amended]

78. In § 298.37, remove the words "subpart E" and add, in their place, the words "part 205 of this chapter".

Subpart E—[Removed and reserved]

79. In part 298, subpart E consisting of §§ 298.41–298.45 is removed and reserved.

§ 298.60 [Amended]

80. In § 298.60(a), remove the words "Civil Aeronautics Board" and add, in their place, the words "Department's Research and Special Programs Administration (RSPA)".

§§ 298.60, 298.61, 298.63, 298.64, 298.65 [Amended]

81. In §§ 298.60(a), 298.60(b), 298.60(d), 298.60(e), 298.61(a), 298.61(g), 298.63(a), 298.64(a), and 298.65(a), remove the word "CAB" and add, in its place, the word "RSPA".

§§ 298.60, 298.65, 298.66 [Amended]

82. In §§ 298.60(b), 298.65(b) introductory text, 298.66(a), and 298.66(b), remove the word "Comptroller" and add, in its place, the words "Airline Statistics".

§ 298.60 [Amended]

83. In § 298.60(c), remove the number "4123" and add, in its place, the number "4125"; and remove the words "Aviation Information Management" and add, in their place, the words "Airline Statistics".

84. In § 298.60(e), remove the number "426–8847" and add, in its place, the number "366–9847".

§ 298.61 [Amended]

85. In § 298.61(g), remove the words "Comptroller, Civil Aeronautics Board, Washington, DC 20428" and add, in their place, the words "Director, Office of Airline Statistics, Department of Transportation, Washington, DC 20590".

86. At the end of § 298.61, remove the OMB control number "3204–0009" and add, in its place, the number "2138–0009".

§§ 298.63, 298.64, 298.65 [Amended]

87. In §§ 298.63(c), 298.64(e) and 298.65(a), remove the words "the Board's Information Management Division" or "the Civil Aeronautics Board's Information Management Division" or "the Board's Office of Comptroller" and add, in their place, the words "RSPA's Office of Airline Statistics".

Subpart I—[Removed]

88. In part 298, subpart I consisting of §§ 298.90–298.100 is removed.

PART 302—[AMENDED]

89. The authority citation for part 302 is revised to read as follows:

Authority: 5 U.S.C. 551 *et seq.*, 39 U.S.C. 5402; 42 U.S.C., 4321, 49 U.S.C. subtitle I, 1301, 1302, 1324, 1371, 1372, 1373, 1374, 1376, 1382, 1471, 1481, 1482, 1485; Reorganization Plan No. 3 of 1961, 75 Stat. 837, 26 FR 5989.

90. Section 302.10a is added to read as follows:

§ 302.10a Participation of air carrier associations in Department proceedings.

(a) An association composed entirely or in part of direct air carriers may participate in any proceedings of the Department to which the Department's procedural regulations apply only if:

(1) The issues substantially affect the property or financial interests of the association as opposed to an interest derivative from its members;

(2) The association acts as a conduit to the Department of factual information gathered from the members, as distinguished from presentation of opinions or positions on issues; or

(3) The association represents members that are identified in any documents filed with the Department, and that have specifically authorized the

positions taken by the association in that proceeding. The specific authorizions may be informal and evidence of them shall be provided only upon request of the Department.

(b) Upon motion of any interest person or upon it own initiative, the Department may issue an order requiring an association to withdraw from a case on the ground of significant divergence of interest or position within the association.

Part 302, Appendix A—[Amended]

91. In part 302 Appendix A—Index to Rules of Practice, under the heading "PARTIES", a new listing is added to read as follows:

"Participation by Air Carrier Associations.	§ 302.10(a)"

PART 372—[AMENDED]

92. The authority citation for part 372 is revised to read as follows:

Authority: 49 U.S.C. 1301, 1324, 1371, 1372, 1377, 1386.

93. Throughout part 372, remove the word "Board" and add, in its place, the word "Department"; remove the word "Board's" and add, in its place, the word "Department's"; remove the words "Civil Aeronautics Board" (except where they occur in § 372.30(a) (8) and (9)) and add, in their place, the words "Department of Transportation"; and remove the words "Civil Aeronautics Board's" and add, in their place, the words "Department of Transportation's".

94. Section 372.20 is revised to read as follows:

§ 372.20 Requirement of operating authorization.

No person shall engage in air transportation as an overaes military personnel charter operator by organizing, providing, selling, or offering to sell, soliciting, or advertising an overseas military personnel charter or charters unless there is in force an operating authorization issued pursuant to § 372.31 authorizing such person to engage in such transportation.

95. Section 372.24(b) is revised to read as follows:

§ 372.24 Surety bond, depository agreement, escrow agreement.

* * * * *

(b) As used in this section, the term *bank* means a bank insured by the Federal Deposit Insurance Corporation.

* * * * *

§ 372.24 [Amended]

96. In § 372.24(c), remove the words "appendix B, attached to this part 372"and add, in their place, the words" appendix A to this part"; and remove footnote 1.

§ 372.28 [Amended]

97. In § 372.28, footnote 2 is redesignated footnote 1.

98. The introductory text of § 372.30(a) is revised to read as follows:

§ 372.30 Application.

(a) *Application.* Any person desiring to operate as an overseas military personnel charter operator may apply to the Department for an appropriate operating authorization. Contact the Office of Aviation Analysis, Regulatory Analysis Division, for filing instructions. The application shall be certified by a responsible official of such person and shall contain the following information:

* * * * *

§ 372.30 [Amended]

99. In § 372.30(a), footnote 3 is removed.

100. In § 372.30(a)(8) and 372.30(a)(9), after the words "Civil Aeronautics Board" add the words "or the Department of Transportation".

101. In § 372.30(a)(13), footnote 4 is redesignated footnote 2; and, in newly redesignated footnote 2, the last sentence is removed.

102. A new appendix A is added to part 372 to read as follows:

Appendix A to Part 372—Overseas Military Personnel Charter Operator's Surety Bond Under Part 372 of the Special Regulations of the Department of Transportation (14 CFR Part 372)

Know all men by these presents, that we _____ (name of charter operator) of _____ (address) as Principal hereinafter called "Principal"), and _____ (name of surety) a corporation created and existing under the laws of the State of _____ (State) as Surety (hereinafter called "Surety") are held and firmly bound unto the United States of America in the sum of _____ (see § 372.24(a), 14 CFR Part 372) for which payment, well and truly to be made, we bind ourselves and our heirs, executors, administrators, successors, and assigns, jointly and severally firmly by these presents.

Whereas Principal is an overseas military personnel charter operator pursuant to the provisions of Part 372 of the Department's Special Regulations and other rules and regulations of the Department relating to security for the protection of charter participants, and has elected to file with the Department of Transportation such a bond as will insure financial responsibility with respect to all monies received from charter participants for services in connection with overseas military personnel charters to be operated subject to Part 372 of the Department's Special Regulations in accordance with contracts, agreements, or arrangements therefor, and

Whereas this bond is written to assure compliance by Principal as an authorized charter operator with Part 372 of the Department's Special Regulations, and other rules and regulations of the Department relating to security for the protection of charter participants, and shall inure to the benefit of any and all charter participants to whom Principal may be held legally liable for any damages herein described.

Now, therefore, the condition of this obligation is such that if Principal shall pay or cause to be paid to charter participants any sum or sums for which Principal may be held legally liable by reason of Principal's failure faithfully to perform, fulfill and carry out all contracts, agreements, and arrangements made by Principal while this bond is in effect with respect to the receipt of moneys from charter participants, and proper disbursement thereof pursuant to and in accordance with the provisions of Part 372 of the Department's Special Regulations, then this obligation shall be void, otherwise to remain in full force and effect.

The liability of Surety with respect to any charter participant shall not exceed the charter price paid by or on behalf of such participant.

The liability of Surety shall not be discharged by any payment or succession of payments hereunder, unless and until such payment or payments shall amount in the aggregate to the penalty (face amount) of the bond, but in no event shall Surety's obligation hereunder exceed the amount of said penalty.

Surety agrees to furnish written notice to the Office of Aviation Analysis, Department of Transportation, forthwith of all suits or claims made and judgments rendered, and payments made by Surety under this bond.

This bond shall cover the following Charters: [1]
Surety company's bond No. _____
Date of flight departure _____
Place of flight departure _____

This bond is effective on the _____ day of _____, 199__, 12:01 a.m., standard time at the address of Principal as stated herein and as hereinafter provided. Principal or Surety may at any time terminate this bond by written notice to: "Regulatory Analysis Division (P-57), Office of Aviation Analysis, U.S. Department of Transportation, Washington, DC 20590, such termination to become effective thirty (30) days after the actual receipt of said notice by the Department. Surety shall not be liable hereunder for the payment of any damages hereinbefore described which arise as a result of any contracts, agreements, undertakings, or arrangements for the supplying of transportation and other services made by Principal after the termination of this bond as herein provided, but such termination shall not affect the

[1] These data may be supplied in an addendum attached to the bond; however, all pages are to bear the Surety's seal.

liability of the bond hereunder for the payment of any damages arising as a result of contracts, agreements, or arrangements for the supplying of transportation and other services made by Principal prior to the date that such termination becomes effective. Liability of Surety under this bond shall in all events be limited only to a charter participant or charter participants who shall within sixty (60) days after the termination of the particular charter described herein give written notice of claim to the charter operator or, if it is unavailable, to Surety, and all liability on this bond shall automatically terminate sixty (60) days after the termination date of each particular charter covered by this bond except for claims made in the time provided herein.

In witness whereof, the said Principal and Surety have executed this instrument on the _____ day of _____, 199__.

PRINCIPAL

Name _____
By: Signature and title _____
Witness _____

SURETY

Name _____
By: Signature and title _____
Witness _____

Only corporations may qualify to act as surety and they must meet the requirements set forth in § 372.24(c) of Part 372.

PART 399—[AMENDED]

103. The authority citation for part 399 continues to read as follows:

Authority: 49 U.S.C. 1301, 1302, 1305, 1324, 1371, 1372, 1373, 1374, 1375, 1376, 1377, 1378, 1379, 1381, 1382, 1384, 1386, 1461, 1481, 1482, 1502 and 1504, unless otherwise noted.

§ 399.110. [Removed and reserved]

104. Section 399.110(e) is removed and reserved.

Issued in Washington, DC, on August 20, 1992.

Jeffrey N. Shane,

Assistant Secretary for Policy and International Affairs.

Appendix

Note: This appendix will not appear in the Code of Federal Regulations

BILLING CODE 4910-62-M

U.S. Department of Transportation
Office of the Secretary of Transportation

AGENCY DISPLAY OF ESTIMATED BURDEN

The public reporting burden for this collection of information is estimated to average 30 minutes per response. If you wish to comment on the accuracy of the estimate or make suggestions for reducing this burden, please direct your comments to DOT and OMB at the following addresses:

U.S. Department of Transportation
Office of Aviation Analysis, P-57
400 7th Street, SW
Washington, DC 20590

and

Office of Management and Budget
Office of Information and Regulatory Affairs
Paperwork Reduction Project 2106-0030
Washington, DC 20503

OMB No. 2106-0030 Expires 12-31-94

U.S. AIR CARRIERS CERTIFICATE OF INSURANCE

POLICIES OF INSURANCE FOR AIRCRAFT ACCIDENT BODILY INJURY AND PROPERTY DAMAGE LIABILITY

FILING INSTRUCTIONS: File an original of this form with the Regulatory Analysis Division, P-57, Office of Aviation Analysis, Department of Transportation, 400 7th Street, S.W., Washington, D.C. 20590.

(Please type information, except signatures.)

THIS CERTIFIES THAT: _____
(Name of Insurer)

has issued a policy or policies of Aircraft Liability Insurance to _____

_____
(Name and address of Insured U.S. Air Carrier)

effective from _____ until ten (10) days after written notice from the insurer or carrier of the intent to terminate coverage is received by the Department of Transportation.

NOTE: Part 205 of the Department's Regulations does not allow for a predetermined termination date, and a certificate showing such a date is unacceptable.

1. The Insurer *(Check One)*:

☐ is licensed to issue aircraft insurance policies in the United States;

☐ is licensed or approved by the government of _____ to issue aircraft insurance policies; or

☐ is an approved surplus line insurer in the State(s) of _____

2. The insurer assumes, under the policy or policies listed below, aircraft accident liability insured to minimums at least equal to the following during operation, maintenance, or use of aircraft in "air transportation" as that term is defined in the Federal Aviation Act *(Complete applicable section(s) below)*:

A. U.S. AIR TAXI OPERATORS WITH PART 298 AUTHORITY ONLY

The aircraft covered by this policy are SMALL AIRCRAFT (i.e., with 60 or fewer passenger seats or with a maximum payload capacity of 18,000 pounds or less). *(Check separate or combined coverage as appropriate)*:

☐ Separate Coverages:

Policy No.	*Type of Liability*	*Minimum Limit* — *Each Person*	*Each Occurrence*
_____	Bodily Injury Liability (Excluding Passengers)	$ 75,000	$300,000
_____	Passenger Bodily Injury Liability	$ 75,000	$75,000 x 75% of total number of passenger seats installed in the aircraft.
_____	Property Damage		$100,000

☐ Combined Coverage: This combined coverage is a single limit of liability for each occurrence at least equal to the required minimums stated above for bodily injury (excluding passengers), property damage, and passenger bodily injury

*Policy No.*_____ *Amount of Coverage*_____

☐ This policy covers CARGO operations *only* and *excludes* passenger liability insurance.

OST Form 6410

B. U.S. COMMUTER AND CERTIFICATED AIR CARRIERS OPERATING SMALL AIRCRAFT

The aircraft covered by this policy are SMALL AIRCRAFT (i.e., with 60 or fewer passenger seats or with a maximum payload capacity of 18,000 pounds or less). *(Check separate or combined coverage as appropriate)*:

☐ Separate Coverages:

Policy No.	*Type of Liability*	*Minimum Limit* — *Each Person*	*Each Occurrence*
_____	Combined Bodily Injury (Excluding Passengers other than cargo attendants) and Property Damage Liability	$300,000	$2,000,000
_____	Passenger Bodily Injury Liability	$300,000	$300,000 x 75% of total number of passenger seats installed in the aircraft.

☐ Combined Coverage: This combined coverage is a single limit of liability for each occurrence at least equal to the required minimums stated above for bodily injury (excluding passengers), property damage, and passenger bodily injury.

Policy No. _____ *Amount of Coverage* _____

☐ This policy covers CARGO operations *only* and *excludes* passenger liability insurance.

C. U.S. CERTIFICATED AIR CARRIERS OPERATING LARGE AIRCRAFT

The aircraft covered by this policy are LARGE AIRCRAFT (i.e., with more than 60 passenger seats or with a maximum payload capacity of more than 18,000 pounds). *(Check separate or combined coverage as appropriate)*:

☐ Separate Coverages:

Policy No.	*Type of Liability*	*Minimum Limit* — *Each Person*	*Each Occurrence*
_____	Combined Bodily Injury (Excluding Passengers other than cargo attendants) and Property Damage Liability	$300,000	$20,000,000
_____	Passenger Bodily Injury Liability	$300,000	$300,000 x 75% of total number of passenger seats installed in the aircraft.

☐ Combined Coverage: This combined coverage is a single limit of liability for each occurrence at least equal to the required minimums stated above for bodily injury (excluding passengers), property damage, and passenger bodily injury.

Policy No. _____ *Amount of Coverage* _____

☐ This policy covers CARGO operations *only* and *excludes* passenger liability insurance.

3. The policy or policies listed in this certificate insure(s) *(Check One)*:

☐ Operations conducted with all aircraft operated by the Insured

☐ Operations conducted with the following types of aircraft:

☐ Operations with the following aircraft: (Use additional page if necessary)

Make and Model	*FAA or Foreign Flag Registration No.*

4. Each policy listed in this certificate meets or exceeds the requirements in 14 CFR Part 205.

_____ *(Name of Insurer)*

_____ *(Address)*

_____ *(City, State, Zip Code)*

_____ *Contact (person who can verify the effectiveness of the coverage)*

_____ / _____ *(Area Code, Phone Number)* *(Area Code, FAX Number)*

_____ *(Signature, if applicable)*

_____ *(Date)*

_____ *(Name of Broker, if applicable)*

_____ *(Address)*

_____ *(City, State, Zip Code)*

_____ *(Officer or authorized representative)*

_____ / _____ *(Area Code, Phone Number)* *(Area Code, FAX Number)*

_____ *(Signature)*

_____ *(Date)*

15-1411-1—M Form 2

U.S. Department of Transportation
Office of the Secretary of Transportation

AGENCY DISPLAY OF ESTIMATED BURDEN

The public reporting burden for this collection of information is estimated to average 30 minutes per response. If you wish to comment on the accuracy of the estimate or make suggestions for reducing this burden, please direct your comments to DOT and OMB at the following addresses:

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Office of Aviation Analysis, P-57
400 7th Street, SW
Washington, DC 20590

and

Office of Management and Budget
Office of Information and Regulatory Affairs
Paperwork Reduction Project 2106-0030
Washington, DC 20503

OMB No. 2106-0030 Expires 12-31-94

FOREIGN AIR CARRIERS CERTIFICATE OF INSURANCE

POLICIES OF INSURANCE FOR AIRCRAFT ACCIDENT BODILY INJURY AND PROPERTY DAMAGE LIABILITY

FILING INSTRUCTIONS: File an original of this form with the Regulatory Analysis Division, P-57, Office of Aviation Analysis, Department of Transportation, 400 7th Street, S.W., Washington, D.C. 20590.

(Please type information, except signatures.)

THIS CERTIFIES THAT: _____
(Name of Insurer)

has issued a policy or policies of Aircraft Liability Insurance to _____

_____
(Name and address of Insured Foreign Air Carrier)

effective from _____ until ten (10) days after written notice from the insurer or carrier of the intent to terminate coverage is received by the Department of Transportation.

NOTE: Part 205 of the Department's Regulations does not allow for a predetermined termination date, and a certificate showing such a date is unacceptable.

1. The Insurer *(Check One)*:

☐ is licensed to issue aircraft insurance policies in the United States;

☐ is licensed or approved by the government of _____ to issue aircraft insurance policies; or

☐ is an approved surplus line insurer in the State(s) of _____

2. The insurer assumes, under the policy or policies listed below, aircraft accident liability insured to minimums at least equal to the following during operation, maintenance, or use of aircraft in "foreign air transportation" as that term is defined in the Federal Aviation Act *(Complete applicable section(s) below)*:

A. CANADIAN CHARTER AIR TAXI OPERATORS WITH PART 294 AUTHORITY ONLY

The aircraft covered by this policy have: (1) 30 or fewer passenger seats and a maximum payload capacity of 7,500 pounds or less; and/or (2) a maximum authorized takeoff weight on wheels of no more than 35,000 pounds. *(Check separate or combined coverage as appropriate)*:

☐ Separate Coverages:

Policy No.	*Type of Liability*	*Minimum Limit* — *Each Person*	*Each Occurrence*
_____	Combined Bodily Injury (Excluding Passengers other than cargo attendants) and Property Damage Liability	$75,000	$2,000,000 *(See Note)
_____	Passenger Bodily Injury Liability	$75,000	$75,000 x 75% of total number of passenger seats installed in the aircraft.

☐ Combined Coverage: This combined coverage is a single limit of liability for each occurrence at least equal to the required minimums stated above for bodily injury (excluding passengers), property damage, and passenger bodily injury.

Policy No. _____ *Amount of Coverage* _____

☐ This policy covers CARGO operations *only* and *excludes* passenger liability insurance.

* NOTE: If the aircraft covered by this policy have more than 30 passenger seats or more than a maximum payload capacity of 7,500 pounds, the minimum limit per occurrence shall be $20,000,000.

OST Form 6411

B. FOREIGN AIR CARRIERS OPERATING SMALL AIRCRAFT

The aircraft covered by this policy are SMALL AIRCRAFT (i.e., with 60 or fewer passenger seats or with a maximum payload capacity of 18,000 pounds or less). *(Check separate or combined coverage as appropriate):*

☐ Separate Coverages:

Policy No.	Type of Liability	Minimum Limit: Each Person	Minimum Limit: Each Occurrence
_____	Combined Bodily Injury (Excluding Passengers other than cargo attendants) and Property Damage Liability	$300,000	$2,000,000
_____	Passenger Bodily Injury Liability	$300,000	$300,000 x 75% of total number of passenger seats installed in the aircraft.

☐ Combined Coverage: This combined coverage is a single limit of liability for each occurrence at least equal to the required minimums stated above for bodily injury (excluding passengers), property damage, and passenger bodily injury.

Policy No. _____ *Amount of Coverage* _____

☐ This policy covers CARGO operations *only* and *excludes* passenger liability insurance.

C. FOREIGN AIR CARRIERS OPERATING LARGE AIRCRAFT

The aircraft covered by this policy are LARGE AIRCRAFT (i.e., with more than 60 passenger seats or with a maximum payload capacity of more than 18,000 pounds). *(Check separate or combined coverage as appropriate):*

☐ Separate Coverages:

Policy No.	Type of Liability	Minimum Limit: Each Person	Minimum Limit: Each Occurrence
_____	Combined Bodily Injury (Excluding Passengers other than cargo attendants) and Property Damage Liability	$300,000	$20,000,000
_____	Passenger Bodily Injury Liability	$300,000	$300,000 x 75% of total number of passenger seats installed in the aircraft.

☐ Combined Coverage: This combined coverage is a single limit of liability for each occurrence at least equal to the required minimums stated above for bodily injury (excluding passengers), property damage, and passenger bodily injury.

Policy No. _____ *Amount of Coverage* _____

☐ This policy covers CARGO operations *only* and *excludes* passenger liability insurance.

3. The policy or policies listed in this certificate insure(s) *(Check One):*

☐ Operations conducted with all aircraft operated by the Insured

☐ Operations conducted with the following types of aircraft:

☐ Operations with the following aircraft: (Use additional page if necessary)

Make and Model	*FAA or Foreign Flag Registration No.*

4. Each policy listed in this certificate meets or exceeds the requirements in 14 CFR Part 205.

_____ *(Name of Insurer)*

_____ *(Address)*

_____ *(City, State, Zip Code)*

_____ *Contact (person who can verify the effectiveness of the coverage)*

_____ / _____ *(Area Code, Phone Number)* *(Area Code, FAX Number)*

_____ *(Signature, if applicable)*

_____ *(Date)*

_____ *(Name of Broker, if applicable)*

_____ *(Address)*

_____ *(City, State, Zip Code)*

_____ *(Officer or authorized representative)*

_____ / _____ *(Area Code, Phone Number)* *(Area Code, FAX Number)*

_____ *(Signature)*

_____ *(Date)*

[FR Doc. 92-20422 Filed 9-1-92; 8:45 am]

BILLING CODE 4910-62-C

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

24 CFR Part 25

[Docket No. R-92-1499; FR-2801-C-05]

RIN 2501-AB01

Mortgagee Review Board; Correction

AGENCY: Office of the Secretary, HUD.

ACTION: Final rule; correction.

SUMMARY: On August 18, 1992 (57 FR 37085), the Department published in the Federal Register, a notice that corrected a final rule published on July 13, 1992 (57 FR 31048), that made comprehensive changes in the Department of Housing and Urban Development's Mortgagee Review Board (Board) procedures. The purpose of this document is to correct an additional error published in the August 18 correction.

EFFECTIVE DATE: August 12, 1992.

FOR FURTHER INFORMATION CONTACT: For discussion of legal issues or matters of regulatory interpretation: Emmett N. Roden III, Assistant General Counsel, Inspector General and Administrative Proceedings Division, Department of Housing and Urban Development, room 10251, 451 Seventh Street, SW., Washington, DC 20410. Telephone (202) 608-3200.

For programmatic issues: William Heyman, Director, Office of Lender Activities and Land Sales Registration, Department of Housing and Urban Development, room 9146, 451 Seventh Street, SW., Washington, DC 20410. Telephone (202) 708-1824. (These are not toll-free numbers.)

SUPPLEMENTARY INFORMATION: Accordingly, in FR Doc. 92-19586, the correction document published in the Federal Register on August 18, 1992 (57 FR 37085), is corrected to read as follows:

On page 37085, item 8, in the middle column, is corrected to read, "On page 31052, in § 25.5(c)(3), correct the first sentence to read, '* * * HUD will not endorse any mortgage originated by the suspended mortgagee * * *'."

Dated: August 28, 1992.

Grady J. Norris,

Assistant General Counsel for Regulations.

[FR Doc. 92-21133 Filed 9-1-92; 8:45 am]

BILLING CODE 4210-32-M

Office of the Assistant Secretary for Fair Housing and Equal Opportunity

24 CFR Part 135

[Docket No. R-92-1607; FR-3290-F-01]

RIN 2529-AA57

Employment Opportunities for Businesses and Lower Income Persons in Connection with Assisted Projects; Technical Amendments

AGENCY: Office of the Assistant Secretary for Fair Housing and Equal Opportunity, HUD.

ACTION: Final rule.

SUMMARY: Section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u) (section 3) contains certain requirements governing the Department's administration of programs providing direct financial assistance to both public and private recipients. This rule amends the Department's section 3 regulations at 24 CFR part 135 to conform these regulations to statutory amendments made to section 3 by the Housing and Community Development Act of 1974 and the Housing and Community Development Act of 1980.

The amendments to part 135 made by this final rule revise only those sections of part 135 which contain obsolete terminology or language that is inconsistent with the 1974 and 1980 changes made to section 3.

EFFECTIVE DATE: October 2, 1992.

FOR FURTHER INFORMATION CONTACT: Maxine B. Cunningham, Office of Fair Housing Assistance and Voluntary Programs, Section 3 Compliance Division, room 5232, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410, telephone (202) 708-2251. This number has TDD capabilities. (The number is not toll-free.)

SUPPLEMENTARY INFORMATION:

I. Background

Section 3 of the Housing and Urban Development Act of 1968 (section 3) contains certain requirements governing the Department's administration of programs providing direct financial assistance to both public and private recipients. Since its enactment, section 3 has been amended by the Housing and Urban Development Act of 1969 (the 1969 Act), the Housing and Community Development Act of 1974 (the 1974 Act), and the Housing and Community Development Act of 1980 (the 1980 Act).

As amended, section 3 now provides that in the administration of programs providing direct financial assistance, including community development block grants, in aid of housing, urban planning, development, redevelopment or renewal, and public or community facilities, and new community development, the Secretary of HUD shall:

(1) Require, in consultation with the Secretary of Labor, that to the greatest extent feasible, opportunities for training and employment arising in connection with the planning and carrying out of any project assisted under any such program be given to lower income persons residing within the unit of local government or the metropolitan area (or nonmetropolitan county), as determined by the Secretary, in which the project is located; and

(2) Require, in consultation with the Administrator of the Small Business Administration, that to the greatest extent feasible contracts for work to be performed in connection with any such project be awarded to business concerns, including but not limited to, individuals or firms doing business in the field of planning, consulting, design, architecture, building construction, rehabilitation, maintenance, or repair, which are located in or owned in substantial part by persons residing in the same metropolitan area (or nonmetropolitan county) as the project.

The Department's regulations at 24 CFR part 135, which implement section 3, have not been amended substantively since their original adoption in 1973, and therefore fail to reflect the changes made to section 3 by the 1974 Act and the 1980 Act. (The part 135 regulations, however, do incorporate the changes made to section 3 by 1969 Act.) The Department currently is in the process of preparing a rule that will implement comprehensive amendments to the part 135 regulations. The comprehensive rule will request public comment on the amendments, and any public comments received on this rule will be taken into consideration in the development of a final rule amending part 135.

The amendments to be made by the comprehensive rule will reflect changes in the Department's programs that are subject to section 3, and make a number of revisions directed to facilitating compliance with section 3. However, this rule is still in the development stage, and the Department anticipates additional time delay before issuance of this rule. Because the Department currently requires an appropriate regulatory basis for implementation of enforcement procedures with respect to section 3, the Department has decided to issue this technical amendment rule which revises only those sections of the part 135 regulations that contain obsolete terminology or language inconsistent with amended section 3.

The specific amendments made by this rule are set forth below.

II. Technical Amendments

Section 135.1

Section 135.1, which describes the purpose and scope of part 135, is revised to remove obsolete statutory language.

Section 135.5

In § 135.5, which defines certain terms used in part 135, the definition of "lower income resident" is revised to remove reference to "Standard Metropolitan Statistical Area" and "SMSA," and to replace them with the current terminology—"Metropolitan Statistical Area" and "MSA," respectively.

Section 135.10

Section 135.10 is revised to reflect the correct title for the Assistant Secretary referred to in this section—which is the Assistant Secretary for Fair Housing and Equal Opportunity.

Section 135.15

Section 135.15, which describes how the boundaries of a section 3 covered project area will be determined, is revised to reflect the changes made to section 3 by the 1980 Act. Before the 1980 Act, section 3 referred to a section 3 area simply as the "area of such project". The 1980 Act, however, established certain geographic boundary guidelines for determining the section 3 area. The 1980 Act identified the section 3 area as follows: (1) For training and employment opportunities, the area "within the unit of local government, or the metropolitan area or the nonmetropolitan county, as determined by the Secretary, in which the project is located"; and (2) for contract opportunities, the same metropolitan area or nonmetropolitan county as the project. This section also is revised to reflect the correct titles of certain HUD Regional and Field officials.

The amendments made to § 135.15 by this final rule do not preclude public housing agencies (PHAs) from awarding contracts to businesses owned in substantial part by residents of a section 3 covered project, as provided in HUD's regulations at 24 CFR part 963, published on May 11, 1992, and effective June 10, 1992.

Section 135.125

This section, which merely provides that all handbooks, circulars and other documents issued by the Department before codification of its part 135 regulations are superseded by the regulations, is removed.

Section 135.140

This section, which merely states the effective date of the part 135 regulations, also is removed.

In addition to the above amendments, §§ 135.20(b) and 135.65 are revised to make the term "section 3 covered project" uniform throughout part 135.

The purpose of this rule is to update the part 135 regulations to reflect the statutory changes made to section 3 by the 1974 Act and the 1980 Act. As noted earlier in this preamble, other changes proposed to be made to part 135 will be published in the near future under separate rulemaking, and the public will be invited to comment on that rule.

Justification for Final Rulemaking

It is the Department's general policy to publish a rule for notice and comment before issuing a rule for effect, in accordance with is own rule on rulemaking, 24 CFR part 10. However, part 10 provides for exceptions from that general rule where the agency finds good cause to omit advance notice and public participation. The good cause requirement is satisfied when prior public procedure is determined to be "impracticable, unnecessary, or contrary to the public interest." (24 CFR 10.1)

The Department finds that good cause exists to publish this rule for effect without first soliciting public comment in that prior public procedure is unnecessary. This final rule revises only those sections of the part 135 regulations which contain obsolete statutory language and terminology. Accordingly, these revisions are remedial in effect.

Other Matters

Impact on the Economy

This rule does not constitute a "major rule" as that term is defined in section 1(b) of Executive Order 12291 on Federal Regulation issued on February 17, 1981. Analysis of the rule indicates that it does not (1) have an annual effect on the economy of $100 million or more; (2) cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or (3) have a significant adverse effect on competition, employment investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Impact on Small Entities

The Secretary, in accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)), has reviewed and approved this rule, and in so doing certifies that this rule will not have a significant economic impact on small entities. The rule revises only those sections of the part 135 regulations, which contain obsolete statutory terms. No changes are made to those sections of part 135 which set forth the requirements of recipients of HUD financial assistance under section 3.

Environmental Impact

A Finding of No Significant Impact with respect to the environment has been made in accordance with HUD regulations in 24 CFR part 50, that implement section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332). The Finding of No Significant Impact is available for public inspection during regular business hours in the Office of the General Counsel, Rules Docket Clerk, room 10276, 451 Seventh Street, SW, Washington, DC 20410.

Federalism Impact

The General Counsel, as the Designated Official under section 6(a) of Executive Order No. 12611, *Federalism*, has determined that this rule does not have a substantial, direct effect on the States or on the relationship between the Federal government and the States, or on the distribution of power or responsibilities among the various levels of government. No programmatic or policy changes result from promulgation of this rule which would affect existing relationships between Federal, State or local governments.

Impact on the Family

The General Counsel, as the Designated Official under Executive Order 12606, *The Family*, has determined that this rule does not have a potential significant impact on family formation, maintenance, and general well-being, and thus is not subject to review under the Order. No significant change in existing HUD policies or programs will result from promulgation of this rule, as those policies and programs relate to family concerns.

Regulatory Agenda

This rule was not listed in the Department's Semiannual Agenda of Regulations published on April 27, 1992 (57 FR 1680), under Executive Order 12291 and the Regulatory Flexibility Act.

List of Subjects in 24 CFR part 135

Administrative practice and procedure, Community development, Equal employment opportunity, Government contracts, Grant programs: housing and community development,

Housing, Loan programs: housing and community development, Reporting and recordkeeping requirements, Small businesses.

Accordingly, 24 CFR part 135 is amended as follows:

PART 135—EMPLOYMENT OPPORTUNITIES FOR BUSINESSES AND LOWER INCOME PERSONS IN CONNECTION WITH ASSISTED PROJECTS

1. The authority citation for 24 CFR part 135 is revised to read as follows:

Authority: 12 U.S.C. 1701u; 42 U.S.C. 3535(d).

2. In § 135.1, paragraph (a) is revised to read as follows:

§ 135.1 Purpose and scope of part.

(a) The regulations set forth in this part contain the procedures established to carry out the Secretary's responsibilities under section 3 of the Housing and Urban Development of 1968 (12 U.S.C. 1701u).

* * * * *

3. In § 135.5, paragraph (g) is revised to read as follows:

§ 135.5 Definitions.

* * * * *

(g) *Lower income resident* of the area means any individual who resides within that area of a section 3 covered project and whose family income does not exceed 90 percent of the median income in the Metropolitan Statistical Area (or the county, if not within an MSA) in which the section 3 covered project is located.

* * * * *

4. Section 135.10 is revised to read as follows:

§ 135.10 Delegation to Assistant Secretary for Fair Housing and Equal Opportunity.

Except as otherwise provided in this part, the functions of the Secretary under this part are delegated to the Assistant Secretary for Fair Housing and Equal Opportunity. The Assistant Secretary for Fair Housing and Equal Opportunity is further authorized to redelegate functions and responsibilities to employees of the Department; *Provided however*, that the authority to issue rules and regulations under § 135.1(d) may not be redelegated.

5. Section 135.15 is revised to read as follows:

§ 135.15 Determination of the area of a section 3 covered project.

(a) The area of a section 3 covered project shall be determined in accordance with the following statutory directives:

(1) For purposes of training and employment opportunities, the area of the section 3 covered project shall be the area within the unit of local government, or the metropolitan area or the nonmetropolitan county, as determined by the HUD officials specified in paragraphs (b) of this section, in which the project is located.

(2) For purposes of contracting opportunities, the area of the section 3 covered project shall be the same metropolitan area or nonmetropolitan county as the section 3 covered project.

(b) The Department's Regional Administrator or Field Office Manager, as appropriate, shall determine the area of section 3 covered projects, in accordance with guidelines and instructions issued by the Assistant Secretary for Fair Housing and Equal Opportunity.

6. In § 135.20, paragraph A of the "section 3 clause" (which is incorporated in paragraph (b) of this section) is revised to read as follows:

§ 135.20 Assurance of compliance with regulations.

* * * * *

(b) * * *

A. The work to be performed under this contract is on a project assisted under a program providing direct Federal financial assistance from the Department of Housing and Urban Development and is subject to the requirements of section 3 of the Housing and Urban Development Act of 1968, as amended, 12 U.S.C. 1701u. Section 3 requires that, to the greatest extent feasible, opportunities for training and employment be given to lower income residents of the area of the section 3 covered project, and contracts for work in connection with the project be awarded to business concerns which are located in, or owned in substantial part by persons residing, in the area of the section 3 covered project.

* * * * *

7. Section 135.65 is revised to read as follows:

§ 135.65 General.

Each applicant, recipient, contractor, or subcontractor undertaking work on a section 3 covered project shall assure that, to the greatest extent feasible, contracts for work to be performed in connection with the project are awarded to business concerns located within the section 3 covered project area or business concerns owned in substantial part by persons residing in the section 3 covered project area. The Department, in consultation with the Small Business Administration will establish for the section 3 covered project a registry of business concerns which meet the definition contained in § 135.5 (b) and (c). Each applicant, recipient, contractor, or subcontractor undertaking work in connection with a section 3 covered project shall fulfill the obligations to utilize business concerns located within or owned in substantial part by persons residing in the section 3 covered project area by developing and implementing an affirmative action plan.

§ 135.125 [Removed and Reserved]

8. Section 135.125 is removed and reserved.

§ 135.140 [Removed and Reserved]

9. Section 135.140 is removed and reserved.

Dated: August 28, 1992.

Gordon H. Mansfield,

Assistant Secretary for Fair Housing and Equal Opportunity.

[FR Doc. 92-21134 Filed 9-1-92; 8:45 am]

BILLING CODE 4210-28-M

Office of the Assistant Secretary for Public and Indian Housing

24 CFR Part 905

[Docket No. R-92-1371; FR-2208-F-06]

RIN 2577-AA32

Indian Housing: Technical Amendments

AGENCY: Office of the Assistant Secretary for Public and Indian Housing, HUD.

ACTION: Final rule; technical amendment.

SUMMARY: This rule amends the Indian housing final rule published on June 24, 1992 (57 FR 28240) to make technical corrections. Since the final rule revising part 905 in its entirety was published, the Department discovered that a small number of revisions were inadvertently omitted from the final published version, and that a subsequently published final rule affecting part 905 would have been unintentionally superseded. In addition, language regarding administrative capability has been revised to be consistent throughout the regulation.

EFFECTIVE DATE: October 2, 1992.

FOR FURTHER INFORMATION CONTACT: Dominic Nessi, Director, Office of Indian Housing, room 4140, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, DC 20410; telephone (202) 708-1015 (voice) or (202) 708-0850 (TDD). (These are not toll-free numbers.)

SUPPLEMENTARY INFORMATION: The final rule contained an ambiguity concerning the relocation responsibilities of local governments and terminology concerning IHA administrative capability was not consistent throughout the rule. In addition, there were a few phrases in isolated sections of the rule that were unclear or outdated. This technical amendment clarifies the Department's intent in these matters.

On the relocation issue in the context of disposition or demolition of Indian housing, § 905.925 left it unclear whether it described the responsibilities completely or whether 49 CFR part 24 was the definitive source. HUD has determined that § 905.925, although consistent with its counterpart in the Department's public housing program, is misleading and that a simple reference to the government-wide rule on relocation would be more accurate. Therefore, this amendment removes § 905.925 and changes a cross-reference to that section to refer instead to the government-wide rule, 49 CFR part 24. A revision is also made to § 905.120(e), which refers to an IHA's obligations with respect to relocation, to clarify that permanent relocation costs, as well as temporary relocation or moving costs, are eligible project costs.

Throughout the part, language distinguishing between those IHAs that can take action without prior HUD approval and those that cannot, has referred to a determination of "high risk" status (which only applies to new funding decisions) or to a notice of deficiency. When the concept of the corrective action order was introduced into § 905.135, this language should have been changed. This amendment makes those changes throughout the part.

A revision to § 905.135 removes repetitive language and clarifies the method used by an IHA to appeal a regional administrator's determination that the IHA is ineligible for funding.

Throughout part 905, there have remained references to "HUD approval" of sites, of a memorandum of acceptance, of settlement documents, and other actions, even though the final rule was drafted to eliminate these approvals except for IHAs that had received corrective action orders with respect to the function involved. These references are removed. There are some references in several sections to HUD that have been clarified to indicate that the HUD field office is the contact point.

In the Procurement subpart, there are a few places where a cross-reference to part 85 is needed to make the treatment of a subject complete. Consequently, cross-references have been added to § 905.160 (a)(5) and (a)(7) and to a new paragraph (a)(3)(iv). Instead of adding a cross-reference to paragraph (a)(4) of that section, the additional sentence found in § 85.36(b)(9) is added.

Section 905.175 is amended to remove (from paragraph (b)(2)) a sentence that is repetitious of introductory language found earlier in the paragraph. In addition, a sentence requiring that quotations be obtained in writing is removed, since oral quotations are mentioned and are permitted under the guiding regulation, 24 CFR part 85. In addition, in that section and § 905.180, language is conformed to traditional procurement language with regards to "awarding" contracts, selection of the "most advantageous proposal", and the response to an invitation for bids being simply a "bid."

In subpart C, Development, § 905.210 provides that priority must be given to proposed development projects for large families. This provision was based on a statutory requirement that has been removed from the statute. Consequently, this rule removes the regulatory requirement.

In § 905.215, there were several discussions of bonding requirements, which have been shortened to cross-reference the more thorough coverage of that subject in § 905.170.

In subpart D, Operations, a final rule published on July 30, 1992 (57 FR 33846, 33853) added a § 905.346, concerning fire safety and smoke detectors that is to become effective on August 31, 1992. The stated effective date for the revised consolidated Indian housing rule published on June 24, 1992, is October 1, 1992, and that rule purports to revise part 905 in its entirety.

Since the revised consolidated (June 24th) rule did not include the fire safety provision, that provision of the July 30th rule would be nullified by the June 24th rule if this technical correction did not reinsert it. Consequently, this technical amendment amends part 905, effective the day after the June 24th rule becomes effective, to include § 905.346, Fire safety.

In subpart D, § 905.350 discusses actions to remedy defects and prevent a determination that the IHA is "high risk." This rule removes that section, since that topic is covered under the corrective action order procedure described in § 905.135 on administrative capability.

In the Mutual Help Homeownership Opportunity program, subpart E, there is a reference to "HUD standards" for design of the homes. HUD no longer has standards for design, but IHAs are required to adopt their own. Consequently, the term "HUD standards" is changed to "project standards" in § 905.413. In addition, there has long been a reference in the Mutual Help program to the monthly payment being based on a "schedule." However, IHAs do not have payment schedules; therefore, § 905.427 is amended to remove references to a "schedule."

List of Subjects in 24 CFR Part 905

Aged, Grant programs—Indians, Grant programs—housing and community development, Handicapped, Indians, Loan programs—housing and community development, Loan programs—Indians, Low and moderate income housing, Public housing, Reporting and recordkeeping requirements.

Accordingly, part 905 of title 24 of the Code of Federal Regulations is amended as follows:

PART 905—INDIAN HOUSING PROGRAMS

1. The authority citation for part 905 continues to read as follows:

Authority: 42 U.S.C. 1437aa–1437ee; 25 U.S.C. 450e(b); 42 U.S.C. 3535(d).

2. In § 905.120, paragraph (e)(2) is revised to read as follows:

§ 905.120 Compliance with other Federal requirements.

* * * * *

(e) * * *

(2) The cost of required permanent or temporary relocation assistance is an eligible project cost in the same manner and to the same extent as other project costs.

* * * * *

3. In § 905.135, paragraph (g)(2) is revised to read as follows:

§ 905.135 Administrative capability.

* * * * *

(g) *Appeals.* * * *

(2) An IHA may appeal a regional administrator's decision to the Assistant Secretary only if the case involves actions related to a determination of ineligibility of funding for the upcoming funding cycle. An appeal of the regional administrator's decision must be made to the Assistant Secretary in writing, stating the justification or evidence, and must be received within 21 days of the date of the regional administrator's decision. Decisions reviewed by the Assistant Secretary will be evaluated based on the facts as presented to the regional administrator and on any aggravating or extenuating circumstances.

* * * * *

4. In § 905.160, paragraphs (a), (2), (3) (ii) and (iii), introductory text, are revised; paragraph (a)(3)(iv) is added; and a sentence is added to the end of paragraphs (a)(4), (a)(5), and (a)(7) to read as follows:

§ 906.160 Procurement standards.

(a) *HUD standards.* * * *

(2) *Contracting authorization.* An IHA may execute contracts without HUD approval for the procurement of work, materials, equipment and/or professional services, in accordance with paragraph (a) (3) (iii) of this section, unless HUD has issued a corrective action order with respect to this function, in accordance with § 905.135. When HUD approval is not required, the IHA Board of Commissioners will certify that program requirements have been satisfied before it executes a contract.

(3) *Limitations.* * * *

(ii) Unless HUD has issued a corrective action order in accordance with § 905.135, requiring HUD approval, an IHA may issue a solicitation after certifying to HUD its receipt of the required architect's/engineer's certification that the drawings and specifications accurately reflect construction or repair standards and that the solicitation is complete and includes all mandatory items. The IHA shall obtain HUD approval of the proposed award of contracts for repairs, construction, and/or related equipment if the proposed contract award amount exceeds the HUD-approved budget amount or the IHA receives only a single bid. Unless HUD has issued a corrective action order with respect to this function, in accordance with § 905.135, requiring HUD approval, the IHA shall make the award after the IHA has certified:

* * * * *

(iii) Unless HUD has issued a corrective action order with respect to this function, in accordance with § 905.135, the IHA may execute, or approve any agreement or contract for personal, management, legal, or other services with any person or firm without the prior written approval of HUD, except under the following circumstances:

* * * * *

(iv) With respect to time and material contracts, see 24 CFR 85.36(b)(10).

(4) *Records.* * * * These records will include, but are not necessarily limited to the following: Rationale for the method of procurement, selection of contract type, contractor selection or rejection, and the basis for the contract price.

(5) *Contract administration.* * * * See 24 CFR 85.36(b)(12).

* * * * *

(7) *Contract cost and price.* * * * See 24 CFR 85.36(f).

* * * * *

5. Section 905.165 is amended by removing the last sentence of paragraph (c)(2) and replacing it with the following sentence:

§ 905.165 Indian preference.

* * * * *

(c) * * *

(2) * * * A determination by HUD that the IHA has not provided adequate monitoring or enforcement of Indian preference shall result in the issuance of a corrective action order in accordance with § 905.135.

* * * * *

6. In § 905.170, the introductory text of paragraph (a) is amended by removing the last sentence and replacing it with the following sentence:

§ 905.170 Other requirements applicable to development contracts.

(a) * * * Unless HUD has issued a corrective action order with respect to this function, in accordance with § 905.135, the IHA may approve the form of assurance without prior HUD approval.

* * * * *

§ 905.175 [Amended]

7. In § 905.175, paragraph (b)(2) is amended by removing the introductory text; paragraph (b)(2)(i)(A) is amended by removing the third sentence; the introductory text of paragraph (c) is amended by changing the first letter of the first word from a capital "P" to a lower case "p" and by adding, at the beginning of the sentence, the following phrase: "When sealed bidding is appropriate, in accordance with 24 CFR 85.36(d)(2)(i),"; the fifth sentence of paragraph (c)(1) is amended by removing the words "HUD approval" and replacing them with the words "HUD field office approval"; the first sentence of paragraph (d)(1) is amended by removing the words "are let" and replacing them with the words "are awarded"; and the last sentence in paragraph (d)(1)(ii) is amended by removing the words "most responsive proposal" and replacing them with the words "most advantageous proposal".

§ 905.180 [Amended]

§ 8. In § 905.180, the introductory text of paragraph (a)(1) is amended by removing the word "response".

§ 905.210 [Amended]

9. In § 905.210, the paragraph designation (a) is removed, and paragraph (b) is removed.

§ 905.212 [Amended]

10. In § 905.212, the second sentence of paragraph (a) is amended by removing the words "notice of deficiency" and replacing them with the words "corrective action order", and the second sentence of paragraph (b) is amended by removing the words "letter of deficiency" and replacing them with the words "corrective action order".

11. In § 905.215, paragraphs (a)(1), (a)(2) and (a)(3)(ii) are revised to read as follows:

§ 905.215 Production methods and requirements.

(a) * * *

(1) *Conventional method.* Under the Conventional method, the IHA plans the project and prepares drawings and specifications. After the plans and specifications are approved as described in § 905.250, the IHA solicits competitive bids through public advertisement and awards the contract to the lowest responsible bidder. The contractor shall be required to provide completion assurance in accordance with the bonding requirements of § 905.170. Unless HUD has issued a corrective action order with respect to this function, in accordance with § 905.135, the IHA may proceed with selection of a proposal without HUD concurrence (see § 905.212). The contractor receives progress payments during construction, and a final HUD-approved payment upon completion, in accordance with the contract.

(2) *Turnkey method.* Under the Turnkey method, the IHA advertises for developers to submit proposals to build a project described in the IHA's invitation for proposals. The request for proposals may prescribe the sites to be used. The IHA evaluates the proposals and selects the best proposal after considering price, design, site, the developer's experience and other evidence of the developer's ability to complete the project. Unless HUD has issued a corrective action order with respect to this function, in accordance with § 905.135, the IHA may select a proposal without HUD concurrence (see § 905.212). After the proposal is selected by the IHA, the IHA may award the contract to the successful developer, who prepares working drawings and specifications unless previously provided by the IHA. The IHA and the developer enter into a contract of sale after the drawings and specifications

are reviewed by HUD as required under § 905.250. Upon completion of the project (or stages thereof) in accordance with the contract of sale, the IHA purchases the project (or stage) from the developer. The IHA may contract for assistance in preparing the invitation and evaluating proposals. The IHA must obtain independent inspection services by an architect, engineer or other qualified person during construction. The developer shall be required to provide completion assurance in accordance with the bonding requirements of § 905.170.

(3) *Modified Turnkey.* * * *

(ii) The IHA may require the developer/contractor to furnish completion assurance in accordance with the bonding requirements of § 905.170.

* * * * *

§ 905.225 [Amended]

12. In § 905.225, the second sentence of paragraph (a)(1) is amended by removing the words "notice of deficiency" and replacing them with the words "corrective action order".

13. In § 905.245, paragraphs (a) and (b) are revised to read as follows:

§ 905.245 Site approval.

(a) *IHA certification.* Unless HUD has issued a corrective action order with respect to this function, in accordance with § 905.135, the IHA may submit a written certification that the actions necessary to satisfy the conditions of tentative and final site approval, as described in this section, have been completed and the site is acceptable. (See § 905.212.)

(b) *IHA request for approval.* If HUD has issued a corrective action order with respect to this function, in accordance with § 905.135, the IHA shall request approval for each site by submitting the prescribed form to HUD generally before, but no later than simultaneously with, the development program, discussed in § 905.265. The IHA request shall include all exhibits required by the form, including the written approval of the BIA and IHS where needed.

* * * * *

14. In § 905.250, paragraph (c) is amended by adding the following sentence after the heading of the paragraph:

§ 905.250 Design criteria.

* * * * *

(c) * * * Unless HUD has issued a corrective action order with respect to this function, in accordance with § 905.135, the IHA may proceed without obtaining HUD approval of the design (see § 905.160(a)(3)(ii). * * *

§ 905.255 [Amended]

15. In § 905.255, paragraph (g) is amended by adding, before the period in the last sentence, the words, "for the project".

16. In section 905.260 (paragraphs (a) through (d) and (f) are revised. The OMB number remains unchanged.

§ 905.260 Construction and inspections.

* * * * *

(a) *Conventional projects.* Unless HUD has issued a corrective action order with respect to this function, in accordance with § 905.135, the IHA may prepare the plans, advertise, and award a construction contract without prior HUD approval and certify compliance with HUD procedures in that process. (See § 905.212.) The IHA must submit copies of the plans, advertisements and construction contract with the certification to HUD.

(b) *Turnkey and modified turnkey projects.* Unless HUD has issued a corrective action order with respect to this function, in accordance with § 905.135, the IHA may execute the contract of sale without prior HUD approval and certify in writing proper preparation of the plans and execution of the contract of sale. (See § 905.212.) The IHA shall submit copies of the plans and Contract of Sale with the certification to HUD.

(c) *Force account.* Unless HUD has issued a corrective action order with respect to this function, in accordance with § 905.135, the IHA may prepare the final working drawings, showing the scope of work to be performed by the IHA staff or by subcontractors, and the solicitation for work and begin work without prior HUD approval. (See § 905.212.) The IHA will then certify proper preparation of the drawings and solicitation of work and will submit copies of the drawings.

(d) *IHA construction inspections.* Whatever the development method used, the IHA shall be responsible for obtaining independent inspections throughout the construction period. The frequency of inspections and the procedures to be used shall assure completion of quality housing in accordance with the contract documents. Inspections shall be performed by an independent architect, engineer, or other qualified person selected by the IHA. Unless HUD has issued a corrective action order with respect to this function, in accordance with § 905.135, HUD approval is not required. (See § 905.212.)

* * * * *

(f) *Completion inspection.* (1) The contractor shall notify the IHA in writing when the contract work (or stage) is completed and ready for final inspection. If the IHA agrees that contract work (or stage) is ready for final inspection, the IHA shall arrange for the inspection. The final inspection shall be made jointly by the IHA and the contractor. The IHA must notify the HUD field office before this inspection. Unless HUD has issued a corrective action order with respect to this function, in accordance with § 905.135, the IHA may proceed with acceptance without HUD approval. (See § 905.212.) In an MH project, homebuyers shall also be invited to participate in the inspection of their homes, but acceptance shall be by the IHA. Maximum consideration shall be given to all homebuyer concerns. When the BIA has maintenance responsibility for any part of the project after completion, it too shall be invited to participate.

(2) If the inspection discloses no deficiencies other then punch list items or seasonal completion items, the IHA may develop an interim Certificate of Completion for submission to HUD. The interim Certificate will detail the items remaining and set forth a schedule for their completion, and will allow the IHA to accept the units (or stage) for occupancy. Unless HUD has issued a corrective action order with respect to this function, in accordance with § 905.135, the IHA may release the monies due the contractor less withholdings in accordance with the construction contract. (See § 905.212.)

(3) The contractor shall complete the punch list items in accordance with the time schedule contained in the interim Certificate of Completion. Unless HUD has issued a corrective action order with respect to this function, in accordance with § 905.135, the IHA may pay the contractor for such items without HUD approval. (See § 905.212.) The IHA shall not accept an item if there is a dispute as to whether the item has been completed. If the IHA is satisfied that the applicable requirements of the construction contract and the interim Certificate have been met, the IHA shall prepare a final Certificate of Completion. Unless HUD has issued a corrective action order with respect to this function, in accordance with § 905.135, the IHA will submit the final certificate and certify in writing that the items have been completed, and release the amounts withheld to the contractor. (See § 905.212.)

* * * * *

§ 905.265 [Amended]

17. In § 905.265, the first sentence of paragraph (b) is amended by removing

the work "HUD" and replacing it with the words "the contractor".

18. Section 905.335 is amended by removing the last sentence and replacing it with the following sentence:

§ 905.335 Rent and homebuyer payment collection policy.

* * * Unless HUD has issued a corrective action order in accordance with § 905.135, HUD approval of the policy is not required.

19. A new § 905.346 is added, to read as follows:

§ 905.346 Fire safety.

(a) *Applicability.* This section applies to all IHA-owned or -leased housing, including Mutual Help and Turnkey III.

(b) *Smoke detectors.* (1) After October 30, 1992, each unit must be equipped with at least one battery-operated or hard-wired smoke detector, or such greater number as may be required by applicable State, local, or Tribal codes, in working condition, on each level of the unit. In units occupied by hearing-impaired residents, smoke detectors must be hard-wired.

(2) After October 30, 1992, the public areas of all housing covered by this section must be equipped with a sufficient number, but not less than one for each area, or battery-operated or hard-wired smoke detectors to serve as adequate warning of fire. Public areas include, but are not limited to, laundry rooms, community rooms, day care centers, hallways, stairwells, and other common areas.

(3) The smoke detector for each individual unit must be located, to the extent practicable, in a hallway adjacent to the bedroom or bedrooms. In units occupied by hearing-impaired residents, hard-wired smoke detectors must be connected to an alarm system designed for hearing-impaired persons and installed in the bedroom or bedrooms occupied by the hearing-impaired residents. Individual units that are jointly occupied by both hearing and hearing-impaired residents must be equipped with both audible and visual types of alarm devices.

(4) If needed, battery-operated smoke detectors, except in units occupied by hearing-impaired residents, may be installed as a temporary measure where no detectors are present in a unit. Temporary battery-operated smoke detectors must be replaced with hard-wired electric smoke detectors in the normal course of an IHA's planned CIAP or CGP program to meet the HUD Modernization Standards or applicable State, local, or Tribal codes, whichever standard is stricter. Smoke detectors for units occupied by hearing-impaired residents must be installed in accordance with the acceptability criteria in paragraph (b)(3) of this section.

(5) IHAs shall use operating funds to provide battery-operated smoke detectors in units that do not have any smoke detector in place. If operating funds or reserves are insufficient to accomplish this, IHAs may apply for emergency CIAP funding. IHAs may apply for CIAP or CGP funds to replace battery-operated smoke detectors with hard-wired smoke detectors in the normal course of a planned modernization program.

§ 905.350 [Removed]

20. Section 905.350 is removed.

21. In § 905.407, paragraph (b)(3) is revised to read as follows:

§ 905.407 Application.

* * * * *

(b) *Sites.* * * *

(3) *Alternative sites and substitution of sites.* In order to minimize delay to the project in the event of the withdrawal of a selected homebuyer or an approved site, the IHA should have a reasonable number of alternatives available. No substitution of a site shall be permitted after final site approval unless the change is necessary by reason of special circumstances. Unless HUD has issued a corrective action order with respect to this function, in accordance with § 905.135, HUD approval of substitution of a site is not required.

* * * * *

22. In § 905.413, paragraph (b) is revised to read as follows:

§ 905.413 Special provisions for development of an MH project.

* * * * *

(b) *Consultation with homebuyers.* The IHA shall provide for soliciting comments from homebuyers and other interested parties, as provided in § 905.225(c), concerning the planning and design of the homes. Any changes resulting from such consultation shall be consistent with project standards and cost limitations.

* * * * *

§ 905.416 [Amended]

23. In § 905.416, the last sentence of paragraph (d) is amended by removing the phrase "by IHA certification to HUD, or, for a "high risk" IHA, by the HUD field office,".

24. In § 905.427, paragraph (b) is amended by removing the heading and replacing it with the following words: *"Establishment of payment."*; paragraph (b)(1) is amended by removing the words "in accordance with a schedule" and replacing them with the word "as"; and paragraph (e) is amended by removing the last sentence and replacing it with the following sentence:

§ 3905.427 Homebuyer payments—post—1976 projects.

* * * * *

(e) * * * Unless HUD has issued a corrective action order with respect to this function, in accordance with § 905.135, HUD approval is not required.

25. In § 905.431, paragraph (a) is amended by removing the last sentence and by replacing it with the following sentence:

§ 905.431 Operating reserve.

(a) * * * If the IHA fails to maintain an adequate operating reserve level, HUD may issue a corrective action order prescribing specific actions that the IHA must take to improve its financial condition. (See § 905.135.)

* * * * *

§ 905.434 [Amended]

26. In § 905.434, the introductory language of paragraph (b) is amended by removing the word "HUD" and replacing it with the words "the HUD field office".

27. In § 905.440, the last sentence of paragraph (e)(5) is removed and replaced by the following sentence:

§ 905.440 Purchase of home.

(e) * * *

(5) * * * The required documents shall be approved by the attorney representing the IHA and by the homebuyer or the homebuyer's attorney.

* * * * *

28. In § 905.443, paragraph (a)(2) is amended by removing the following phrase: "(subject to approval by the HUD field office)"; paragraph (b)(1) is amended by removing, from the third sentence, the following words: "be in a form approved by the HUD field office and shall"; paragraph (c)(3) is amended by removing the following words: ", as approved by HUD"; and a new paragraph (g) is added, to read as follows:

§ 905.443 IHA homeownership financing.

* * * * *

(g) *HUD review and approval.* Unless HUD has issued a corrective action order with respect to this function, in accordance with § 905.135, the IHA may proceed with providing IHA financing without prior HUD approval. IHAs without prior experience in IHA financing should consult with the HUD field office.

29. In § 905.923, paragraph (b)(3) is revised to read as follows:

§ 905.923 General Requirements for HUD Approval of Disposition or Demolition.

* * * * *

(b) * * *

(3) A certification by the chief executive officer, or designee, that the unit of general local government will provide relocation assistance to all tenants displaced by an activity covered by this subpart, at the levels described in, and in accordance with the requirements of, the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 and implementing regulations at 49 CFR part 24.

§ 905.925 [Removed]

30. Section 905.925 is removed.

Dated: August 25, 1992.

Joseph G. Schiff,

Assistant Secretary for Public and Indian Housing.

[FR Doc. 92-20811 Filed 9-1-92; 8:45 am]

BILLING CODE 4210-33-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Parts 1 and 602

[T.D. 8430]

RIN 1545-AQ07

Procedure for Monitoring Compliance With Low-Income Housing Credit Requirements

AGENCY: Internal Revenue Service, Treasury.

ACTION: Final regulations.

SUMMARY: This document contains final Income Tax Regulations relating to the requirement that State allocation plans provide a procedure for State and local housing credit agencies to monitor for compliance with the requirements of section 42 of the Internal Revenue Code. State and local housing credit agencies are to report any noncompliance to the Internal Revenue Service. These final regulations affect State and local housing credit agencies, owners of buildings or projects for which the low-income housing credit is claimed, and taxpayers claiming the low-income housing credit.

EFFECTIVE DATE: These final regulations are effective June 30, 1993.

FOR FURTHER INFORMATION CONTACT: Paul F. Handleman, (202) 622-3040 (not a toll-free call).

SUPPLEMENTARY INFORMATION:

Paperwork Reduction Act

The collection of information contained in this final regulation has been reviewed and approved by the Office of Management and Budget in accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. 3504(h)) under control number 1545-1291. The estimated annual burden per State or local government respondent/recordkeeper varies from 10 hours to 1,500 hours, with an estimated average of 250 hours. The estimated annual burden for all other respondent/recordkeepers varies from .5 hours to 3 hours, with an estimated average of 1 hour.

These estimates are an approximation of the average time expected to be necessary for the collection of information. They are based on such information as is available to the Internal Revenue Service. Individual respondents/recordkeepers may require greater or less time, depending on their particular circumstances.

Comments concerning the accuracy of this burden and suggestions for reducing this burden should be directed to the Internal Revenue Service, Attn: IRS Reports Clearance Officer T:FP, Washington, DC 20224, and to the Office of Management and Budget, Attn: Desk Officer for the Department of the Treasury, Office of Information and Regulatory Affairs, Washington, DC 20503.

Background

On December 27, 1991, the Internal Revenue Service published in the **Federal Register** a notice of proposed rulemaking (56 FR 67018) under section 42 of the Internal Revenue Code of 1986 with respect to the low-income housing credit.

A number of public comments were received concerning these regulations, and a public hearing was held on March 4, 1992. After consideration of the written comments and those presented at the hearing, the proposed regulations are adopted, as revised, by this Treasury decision.

Explanation of Provisions

Section 42 provides for a low-income housing credit that may be claimed as part of the general business credit under section 38. The credit determined under section 42 is allowable only to the extent the owner of a qualified low-income building receives a housing credit allocation from a State or local housing credit agency ("Agency"), unless the building is exempt from the allocation requirement by reason of section 42(h)(4)(B). Under section 42(m)(1)(A), the housing credit dollar amount for any building is zero unless the amount was allocated pursuant to a qualified allocation plan of the Agency Similarly, under section 42(m)(1)(D), the housing credit dollar amount for any project qualifying under section 42(h)(4) is zero unless the project satisfies the requirements for allocation of a housing credit dollar amount under the qualified allocation plan of the Agency.

Under section 42(m)(1)(B)(iii), which was amended and renumbered by the Revenue Reconciliation Act of 1990 (the "1990 Act"), an allocation plan is not qualified unless it contains a procedure that the Agency (or an agent of, or private contractor hired by, the Agency) will follow in monitoring compliance with the provisions of section 42. The Agency is to notify the Internal Revenue Service of any noncompliance of which the Agency becomes aware.

Section 42(m)(1)(B)(iii) is effective on January 1, 1992, and applies to all buildings for which the low-income housing credit determined under section 42 is, or has been, allowable at any time.

These final regulations provide guidance on section 42(m)(1)(B)(iii). Under the regulations, an allocation plan meets the requirement of section 42(m)(1)(B)(iii) if it includes a monitoring procedure that contains, in substance, all of the provisions specified in the regulations.

The specified provisions are minimum requirements; a monitoring procedure may contain additional provisions or requirements. Moreover, the language, form, and order of the specified provisions as set forth in the regulations need not be exactly duplicated in an allocation plan in order for the plan to include a monitoring procedure as required by the regulations. As long as the substance of the provisions specified in the regulations is contained in the allocation plan as a whole, the allocation plan satisfies the monitoring procedure required by the regulations.

These regulations only address compliance monitoring procedures of Agencies. They do not address forms and other records that may be required by the Internal Revenue Service on examination or audit.

Public Comments

Comments on Recordkeeping and Record Retention

One comment suggested that where an allocation of credit has been made on a project basis under section 42(h)(1)(F), the recordkeeping and record retention provisions should also apply on a project basis. This suggestion has not

been adopted because only the minimum set-aside requirement under section 42(g)(1) is satisfied on a project-by-project basis. All other requirements of section 42 must be met on a building-by-building basis.

Two comments suggested that owners of low-income housing projects be required to keep records describing how utility allowances are determined. Because utility allowances are taken into account in determining whether a unit is rent-restricted under section 42(g)(2)(B)(ii), the final regulations include utility allowances among the rent records to be retained by owners.

Another comment suggested that owners should be required to keep records showing: (1) The number of occupants in each unit and changes in the number of occupants for those units where rent is determined by the number of occupants per unit; (2) information on unit size, including the number of bedrooms and square footage of the unit; and (3) how the eligible basis was calculated at the end of the first year of the credit period. These suggestions have been adopted by the final regulations. Also in response to this comment, the final regulations clarify that the records of tenant income should be kept on a per unit basis. However, this comment's suggestion that owners be required to retain marketing and advertising materials demonstrating that units are available to the general public has not been adopted by the final regulations because marketing and advertising materials may not be sufficient to demonstrate that a building satisfies the general public use requirement.

One comment suggested that if a building is sold or transferred, the building owner should be required to transfer all records to the new owner. In the case of an audit, the new owner needs at least some of those records in order to demonstrate that any credit is allowable for the building and to avoid recapture. In particular, records of the first year of the credit period are necessary to show that credit is allowable for any later year in the credit period. The final regulations do not address transfers of records to new owners of buildings because these regulations are directed to Agencies and Agencies are not required to monitor prior years of the compliance period once those years end. Nevertheless, even without an Agency requirement, the transferee, as part of its transaction with the transferor, should obtain the first year information from the transferor in order to substantiate credits claimed.

Several comments suggested that tenant participation in a housing assistance program under section 8 of the United States Housing Act of 1937 ("Section 8") should exempt the owner from having to obtain supporting income documentation from that tenant because public housing authorities verify each Section 8 tenant's income and assets. Participation in the Section 8 program does not necessarily guarantee that a tenant has a qualifying income equal to or less than the income limitation under section 42(g). However, in response to this suggestion, the final regulations provide that if public housing authorities submit a statement to the building owner declaring that a Section 8 tenant's income does not exceed the applicable income limit under section 42(g), the owner is not required to obtain other documentation to verify that tenant's income.

Several comments noted that the definition of annual income under the Section 8 program is based on the tenant's anticipated annual income for the 12 months following the income certification. These commentators suggested that federal income tax returns not be considered permissible documentation of income because tax returns only show income for the prior tax year. This suggestion has not been adopted by the final regulations because, although the determination of annual income is not based upon gross income for federal income tax purposes (tenant income is calculated in a manner consistent with the determination of annual income under Section 8), tax returns do supply evidence of a tenant's sources of income and are signed under penalty of perjury.

Several comments stated that the requirement that owners retain each year's records for 6 years beyond the end of the building's compliance period is unreasonable. In response to these comments, the final regulations do not require owners to retain a year's records for more than 6 years after the due date (with extensions) for filing the federal income tax return for that year. However, because under the final regulations the records for the first year of the credit period are needed to prove the building's eligibility for the credit each year, those records must be retained for at least 6 years beyond the due date (with extensions) for filing the federal income tax return for the last year of the building's compliance period. This is appropriate because, as noted above, these records may be needed to show that credit is allowable.

Two comments questioned whether records should be kept for the extended use period under section 42(h)(6)(D). The final regulations do not contain any such requirement because recapture of the credit can result only from noncompliance occurring during the compliance period. However, an Agency may require retention of records for a longer period if it desires.

One comment questioned the period for which an Agency should retain its records. In response, the final regulations provide that an Agency must retain records of noncompliance or failure to certify for 6 years beyond the Agency's filing of the respective Form 8823, "Low-Income Housing Credit Agencies Report of Noncompliance." In all other cases, the Agency must retain the certifications and records for 3 years from the end of the calendar year the Agency receives the certifications and records.

Comments on Certification and Review

Two comments suggested that building owners be required to certify the applicable fraction and eligible basis claimed on the last filed Form 8609 (Schedule A), "Annual Statement." This suggestion has not been adopted because this information is already available to the Examination Division of the Internal Revenue Service. The Service bears the responsibility for determining whether a building owner has claimed the correct amount of credit each year and whether the building owner is subject to recapture. It is not the intent of these regulations to have Agencies audit income tax returns. However, in response to this comment, the final regulations add to the list of certifications a requirement that owners certify that the applicable fraction under section 42(c)(1)(B) has not changed from the prior year or, if the applicable fraction has changed, that the owners describe the change.

Several comments questioned whether an Agency is required to choose the reporting period the certifications cover or whether the certifications must cover the owner's taxable year. Those comments also suggested that the certifications should cover the preceding 12-month period. In response to this suggestion, the final regulations state that the annual owner certifications should cover the preceding 12-month period. However, an Agency is free to require more frequent certifications covering shorter time periods provided that all months within each 12-month period are subject to certification.

One comment suggested that the review provision should include monitoring for violations of the rent

restrictions under section 42(g)(2). This suggestion has been adopted by the final regulations.

Another comment suggested that the final regulations provide that the "next available unit" rule is not violated, and credit is not recaptured, if a vacant low-income unit of comparable or smaller size is rented on a temporary basis to a market-rate tenant. This suggestion has not been adopted. The issue of whether temporary rentals result in recapture of the credit is not properly addressed in regulations on compliance monitoring, but will be addressed in future guidance on credit recapture.

Two comments suggested that owners of buildings with 100 percent low-income occupancy should be required to submit tenant income certifications only for those units that became vacant after the previous year's compliance certifications were submitted. This suggestion has not been adopted because the determination of whether a tenant qualifies for purposes of the low-income set-aside is made on a continuing basis, both with regard to the tenant's income and the qualifying area income, rather than only on the date the tenant initially occupies the unit. *See 2 H.R. Conf. Rep. No. 841, 99th Cong., 2d Sess. II–93 (1986), 1986–3 (Vol. 4) C.B. 93.*

Numerous comments suggested that the review provision be revised to provide for random sampling in both review choices. In addition, the comments requested guidance as to the number of projects that must be inspected each year and the number of units in each project that must be examined. The comments also requested additional flexibility in designing a review procedure than that available under the proposed regulations. In response to these suggestions, the review provision of the final regulations has been revised to provide Agencies with more flexibility and certainty in designing monitoring procedures. The final regulations permit a review provision containing any one or more of the following three sets of requirements: (1) The owners of at least 50 percent of all low-income housing projects in the Agency's jurisdiction must submit to the Agency for compliance review a copy of the annual income certification, the documentation the owner has received to support that certification, and the rent record for each low-income tenant in at least 20 percent of the low-income units in their projects; (2) the Agency must inspect at least 20 percent of the low-income housing projects in the Agency's jurisdiction each year and must inspect the low-income certification, the documentation the owner has received to support that certification, and the rent record for each low-income tenant in at least 20 percent of the low-income units in those projects; or (3) the owners of all low-income housing projects in the Agency's jurisdiction must submit to the Agency each year information on tenant income and rent for each low-income unit, in the form and manner designated by the Agency, and the owners of at least 20 percent of the projects in the Agency's jurisdiction must submit to the Agency for compliance review a copy of the annual income certification, the documentation the owner has received to support that certification, and the rent record for each low-income tenant in at least 20 percent of the low-income units in their projects. The Agency should determine which tenants' records are to be submitted by the owners for review.

Numerous comments questioned how the permitted exception would operate with respect to certain buildings financed with tax-exempt bond proceeds or with loans made under the Farmers Home Administration (FmHA) section 515 program. In response to these comments, the final regulations clarify this exception. Under the final regulations, a monitoring procedure may except FmHA-financed or bond-financed buildings from the review provision if the FmHA or tax-exempt bond issuer agrees to provide information concerning the income and rent of the tenants in the building to the Agency. The Agency may assume the accuracy of the information provided by the FmHA or the tax-exempt bond issuer without verification. The Agency must review the information and determine that the income limitation and rent restriction of section 42 (g)(1) and (2) are met. However, if the information provided by the FmHA or tax-exempt bond issuer is not sufficient for the Agency to make this determination, the Agency must request the necessary additional income or rent information from the owner of the buildings.

Comments on Auditing

One comment suggested that the use of the term "auditing" in the proposed regulations is misleading because it implies that the Agency is to audit the tax records of the owner of the building for the Service. In response to this suggestion, the final regulations substitute the term "inspection."

Another comment noted that the proposed regulations could be interpreted as prohibiting a separate physical inspection of a building without a review of the records. This interpretation was not intended. An inspection may include, but is not required to include, a review of records.

Comments on Notification of Noncompliance

Several comments suggested that notification of noncompliance to the Service not be required where the noncompliance has been corrected within a reasonable amount of time. This suggestion has not been adopted because it may not always be easy or even possible for an Agency to determine whether corrected noncompliance results in recapture of the credit. Accordingly, under the final regulations, all noncompliance, whether or not corrected, must be reported so that the Service can determine whether the taxpayer is subject to recapture of the credit.

Another comment suggested that any change in a building's eligible basis should be considered noncompliance that must be reported to the Service. The commentator reasons that this is necessary to ensure that the information being provided on the annual certifications and Form 8586, "Low-Income Housing Credit," and Form 8609 (Schedule A) are consistent. Changes in eligible basis and the applicable fraction that result in a decrease in qualified basis result in recapture of credit. Therefore, the final regulations provide that any change in either the applicable fraction or eligible basis that results in a decrease in the project's qualified basis should be considered noncompliance that must be reported to the Service.

One comment suggested that tenant fraud should be reported to the Service. No specific changes to the regulations have been made in response to this suggestion. If tenant fraud results in noncompliance, the noncompliance should be reported.

Comments suggested that any notice sent to a building owner and the Form 8823 sent to the Service should be required to be sent by certified mail. These suggestions have not been adopted; although an Agency is free to use certified mail, it is not required to do so.

One comment suggested that any fees paid to an agent or other private contractor for delegated compliance monitoring should not be contingent upon a finding of compliance or noncompliance. The final regulations do not contain this suggested provision. However, it is the view of the Treasury and the Service that if an Agency makes the payment of compliance monitoring fees to an agent or private contractor contingent upon a finding of compliance or noncompliance, the Agency may not be using reasonable diligence to ensure that the agent or private contractor

properly performs the delegated compliance monitoring responsibilities.

One comment suggested that an Agency be permitted to delegate monitoring responsibilities to another Agency, including the responsibility of notifying the Service of any noncompliance of which the delegated Agency becomes aware. In response to this suggestion, the final regulations allow Agencies to delegate some or all of their compliance monitoring responsibilities for a building to another Agency within the State.

One comment suggested that although compliance monitoring is not required of Agencies before January 1, 1992, if an Agency becomes aware of noncompliance that occurred before that date, the Agency should be required to notify the Service of that noncompliance. The final regulations adopt this comment which reflects section 42(m)(1)(B)(iii) as effective before its amendment by the 1990 Act.

Several comments suggested that the regulations should expressly permit an Agency to establish reasonable administrative fees for covering an Agency's expenses in monitoring compliance, and other comments suggested that the failure to pay monitoring fees should be considered noncompliance. Section 42 does not prohibit an Agency from charging an administrative fee to cover the Agency's expenses in monitoring for compliance, but this is a matter for the determination of the Agency, rather than the Service. Accordingly, the regulations do not address any issues concerning Agency fees.

Special Analyses

It has been determined that these rules are not major rules as defined in Executive Order 12291. Therefore, a Regulatory Impact Analysis is not required. It has also been determined that section 553 (b) of the Administrative Procedure Act (5 U.S.C. chapter 5) and the Regulatory Flexibility Act (5 U.S.C. chapter 6) do not apply to these regulations, and, therefore, a final Regulatory Flexibility Analysis is not required. Pursuant to section 7805 (f) of the Internal Revenue Code, the notice of proposed rulemaking for the regulations was submitted to the Chief Counsel for Advocacy of the Small Business Administration for comment on its impact on small business.

Drafting Information

The principal author of these regulations is Paul F. Handleman, Office of the Assistant Chief Counsel (Passthroughs and Special Industries), Internal Revenue Service. However, other personnel from the Service and the Treasury Department participated in their development.

List of Subjects

26 CFR 1.37–1 through 1.44A–4

Credits, Income taxes, Reporting and Recordkeeping requirements.

26 CFR part 602

Reporting and recordkeeping requirements.

Adoption of Amendments to the Regulations

Accordingly, 26 CFR parts 1 and 602 are amended as follows:

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Paragraph 1. The authority citation for part 1 is amended by adding the following citation:

Authority: 26 U.S.C. 7805 * * * Section 1.42–5 is also issued under 26 U.S.C. 42 (n) * * *

Par. 2. New § 1.42–5 is added to read as follows:

§ 1.42–5 Monitoring compliance with low-income housing credit requirements.

(a) *Compliance monitoring requirement*—(1) *In general.* Under section 42(m)(1)(B)(iii), an allocation plan is not qualified unless it contains a procedure that the State or local housing credit agency ("Agency") (or an agent of, or other private contractor hired by, the Agency) will follow in monitoring for noncompliance with the provisions of section 42 and in notifying the Internal Revenue Service of any noncompliance of which the Agency becomes aware. These regulations only address compliance monitoring procedures required of Agencies. The regulations do not address forms and other records that may be required by the Service on examination or audit. For example, if a building is sold or otherwise transferred by the owner, the transferee should obtain from the transferor information related to the first year of the credit period so that the transferee can substantiate credits claimed.

(2) *Requirements for a monitoring procedure*—(i) *In general.* A procedure for monitoring for noncompliance under section 42(m)(1)(B)(iii) must include—

(A) The recordkeeping and record retention provisions of paragraph (b) of this section;

(B) The certification and review provisions of paragraph (c) of this section;

(C) The inspection provision of paragraph (d) of this section; and

(D) The notification-of-noncompliance provisions of paragraph (e) of this section.

(ii) *Order and form.* A monitoring procedure will meet the requirements of section 42 (m)(1)(B)(iii) if it contains the substance of these provisions. The particular order and form of the provisions in the allocation plan is not material. A monitoring procedure may contain additional provisions or requirements.

(b) *Recordkeeping and record retention provisions*—(1) *Recordkeeping provision.* Under the recordkeeping provision, the owner of a low-income housing project must be required to keep records for each qualified low-income building in the project that show for each year in the compliance period—

(i) The total number of residential rental units in the building (including the number of bedrooms and the size in square feet of each residential rental unit);

(ii) The percentage of residential rental units in the building that are low-income units;

(iii) The rent charged on each residential rental unit in the building (including any utility allowances);

(iv) The number of occupants in each low-income unit, but only if rent is determined by the number of occupants in each unit under section 42(g)(2) (as in effect before the amendments made by the Revenue Reconciliation Act of 1989);

(v) The low-income unit vacancies in the building and information that shows when, and to whom, the next available units were rented;

(vi) The annual income certification of each low-income tenant per unit;

(vii) Documentation to support each low-income tenant's income certification (for example, a copy of the tenant's federal income tax return, Forms W–2, or verifications of income from third parties such as employers or state agencies paying unemployment compensation). Tenant income is calculated in a manner consistent with the determination of annual income under section 8 of the United States Housing Act of 1937 ("Section 8"), not in accordance with the determination of gross income for federal income tax liability. In the case of a tenant receiving housing assistance payments under Section 8, the documentation requirement of this paragraph (b)(1)(vii) is satisfied if the public housing authority provides a statement to the building owner declaring that the tenant's income does not exceed the applicable income limit under section 42 (g);

(viii) The eligible basis and qualified basis of the building at the end of the first year of the credit period; and

(ix) The character and use of the nonresidential portion of the building included in the building's eligible basis under section 42 (d) (*e.g.*, tenant facilities that are available on a comparable basis to all tenants and for which no separate fee is charged for use of the facilities, or facilities reasonably required by the project).

(2) *Record retention provision.* Under the record retention provision, the owner of a low-income housing project must be required to retain the records described in paragraph (b)(1) of this section for at least 6 years after the due date (with extensions) for filing the federal income tax return for that year. The records for the first year of the credit period, however, must be retained for at least 6 years beyond the due date (with extensions) for filing the federal income tax return for the last year of the compliance period of the building.

(c) *Certification and review provisions*—(1) *Certification.* Under the certification provision, the owner of a low-income housing project must be required to certify at least annually to the Agency that, for the preceding 12-month period—

(i) The project met the requirements of:

(A) The 20–50 test under section 42 (g)(1)(A), the 40–60 test under section 42 (g)(1)(B), or the 25–60 test under sections 42 (g)(4) and 142 (d)(6) for New York City, whichever minimum set-aside test was applicable to the project; and

(B) If applicable to the project, the 15–40 test under sections 42(g)(4) and 142 (d)(4)(B) for "deep rent skewed" projects;

(ii) There was no change in the applicable fraction (as defined in section 42(c)(1)(B)) of any building in the project, or that there was a change, and a description of the change;

(iii) The owner has received an annual income certification from each low-income tenant, and documentation to support that certification; or, in the case of a tenant receiving Section 8 housing assistance payments, the statement from a public housing authority described in paragraph (b)(1)(vii) of this section;

(iv) Each low-income unit in the project was rent-restricted under section 42(g)(2);

(v) All units in the project were for use by the general public and used on a nontransient basis (except for transitional housing for the homeless provided under section 42 (i)(3)(B)(iii));

(vi) Each building in the project was suitable for occupancy, taking into account local health, safety, and building codes;

(vii) There was no change in the eligible basis (as defined in section 43(d)) of any building in the project, or if there was a change, the nature of the change (*e.g.*, a common area has become commercial space, or a fee is now charged for a tenant facility formerly provided without charge);

(viii) All tenant facilities included in the eligible basis under section 42(d) of any building in the project, such as swimming pools, other recreational facilities, and parking areas, were provided on a comparable basis without charge to all tenants in the building;

(ix) If a low-income unit in the project became vacant during the year, that reasonable attempts were or are being made to rent that unit or the next available unit of comparable or smaller size to tenants having a qualifying income before any units in the project were or will be rented to tenants not having a qualifying income;

(x) If the income of tenants of a low-income unit in the project increased above the limit allowed in section 42(g)(2)(D)(ii), the next available unit of comparable or smaller size in the project was or will be rented to tenants having a qualifying income; and

(xi) An extended low-income housing commitment as described in section 42(h)(6) was in effect (for buildings subject to section 7108(c)(1) of the Revenue Reconciliation Act of 1989).

(2) *Review.* The review provision must—

(i) require that the Agency review the certifications submitted under paragraph (c)(1) of this section for compliance with the requirements of section 42;

(ii) contain at least one of the following requirements:

(A) The owners of at least 50 percent of all low-income housing projects in the Agency's jurisdiction must submit to the Agency for compliance review a copy of the annual income certification, the documentation the owner has received to support that certification, and the rent record for each low-income tenant in at least 20 percent of the low-income units in their projects;

(B) The Agency must inspect at least 20 percent of low-income housing projects each year and must inspect the low-income certification, the documentation the owner has received to support that certification, and the rent record for each low-income tenant in at least 20 percent of the low-income units in those projects; or

(C) The owners of all low-income housing projects must submit to the Agency each year information on tenant income and rent for each low-income unit, in the form and manner designated by the Agency, and the owners of at least 20 percent of the projects must submit to the Agency for compliance review a copy of the annual income certification, the documentation the owner has received to support that certification, and the rent record for each low-income tenant in at least 20 percent of the low-income units in their projects; and

(iii) Require that the Agency determine which tenants' records are to be inspected or submitted by the owners for review. If a monitoring procedure includes the review provision described in paragraph (c)(2)(ii)(B) of this section, the records to be inspected must be chosen in a manner that will not give owners of low-income housing projects advance notice that their records for a particular year will or will not be inspected. However, an Agency may give an owner reasonable notice that an inspection will occur so that the owner may assemble records (for example, 30 days notice of inspection). See paragraph (d) of this section for the inspection provision that is required to be included in all monitoring procedures.

(3) *Frequency and form of certification.* A monitoring procedure must require that the certifications and reviews of paragraph (c)(2) and (2) of this section be made at least annually covering each year of the 15-year compliance period under section 42(i)(1). The certifications must be made under penalty of perjury. A monitoring procedure may require certifications and reviews more frequently than on a 12-month basis, provided that all months within each 12-month period are subject to certification.

(4) *Exception for certain buildings*—(i) *In general.* The review requirements under paragraph (c)(2)(ii) (A), (B), and (C) of this section may provide that owners are not required to submit, and the Agency is not required to review, the tenant income certifications, supporting documentation, and rent records for buildings financed by the Farmers Home Administration (FmHA) under the section 515 program, or buildings of which 50 percent or more of the aggregate basis (taking into account the building and the land) is financed with the proceeds of obligations the interest on which is exempt from tax under section 103 (tax-exempt bonds). In order for a monitoring procedure to except these buildings, the Agency must meet the requirements of paragraph (c)(4)(ii) of this section.

(ii) *Agreement and review.* The Agency must enter into an agreement with the FmHA or tax-exempt bond issuer. Under the agreement, the FmHA or tax-exempt bond issuer must agree to provide information concerning the income and rent of the tenants in the building to the Agency. The Agency may assume the accuracy of the information provided by FmHA or the tax-exempt bond issuer without verification. The Agency must review the information and determine that the income limitation and rent restriction of section 42 (g)(1) and (2) are met. However, if the information provided by the FmHA or tax-exempt bond issuer is not sufficient for the Agency to make this determination, the Agency must request the necessary additional income or rent information from the owner of the buildings. For example, because FmHA determines tenant eligibility based on its definition of "adjusted annual income," rather than "annual income" as defined under Section 8, the Agency may have to calculate the tenant's income for section 42 purposes and may need to request additional income information from the owner.

(iii) *Example.* The exception permitted under paragraph (c)(4)(i) and (ii) of this section is illustrated by the following example.

Example. An Agency chooses the review requirement of paragraph (c)(2)(ii)(A) of this section and some of the buildings selected for review are buildings financed by the FmHA. The Agency has entered into an agreement described in paragraph (c)(4)(ii) of this section with the FmHA with respect to those buildings. In reviewing the FmHA-financed buildings, the Agency obtains the tenant income and rent information from the FmHA for 20 percent of the low-income units in each of those buildings. The Agency calculates the tenant income and rent to determine whether the tenants meet the income and rent limitation of section 42 (g)(1) and (2). In order to make this determination, the Agency may need to request additional income or rent information from the owners of the FmHA buildings if the information provided by the FmHA is not sufficient.

(d) *Inspection provision.* Under the inspection provision, the Agency must have the right to perform an on-site inspection of any low-income housing project at least through the end of the compliance period of the buildings in the project. The inspection provision of this paragraph (d) is separate from any review of low-income certifications, supporting documents, and rent records under paragraph (c)(2)(ii) of this section.

(e) *Notification-of-noncompliance provision*—(1) *In general.* Under the notification-of-noncompliance provisions, the Agency must be required to give the notice described in paragraph (e)(2) of this section to the owner of a low-income housing project and the notice described in paragraph (e)(3) of this section to the Service.

(2) *Notice to owner* The Agency must be required to provide prompt written notice to the owner of a low-income housing project if the Agency does not receive the certification described in paragraph (c)(1) of this section, or does not receive or is not permitted to inspect the tenant income certifications, supporting documentation, and rent records described in paragraph (c)(2(ii)(A), (B), or (c) of this section (whichever is applicable), or discovers by inspection, review, or in some other manner, that the project is not in compliance with the provisions of section 42.

(3) *Notice to Internal Revenue Service*—(i) *In general.* The Agency must be required to file Form 8823, "Low-Income Housing Credit Agencies Report of Noncompliance," with the Service no later than 45 days after the end of the correction period (as described in paragraph (e)(4) of this section, including extensions permitted under that paragraph) and no earlier than the end of the correction period, whether or not the noncompliance or failure to certify is corrected. The Agency must explain on Form 8823 the nature of the noncompliance or failure to certify and indicate whether the owner has corrected the noncompliance or failure to certify. Any change in either the applicable fraction or eligible basis under paragraph (c)(1)(ii) and (vii) of this section, respectively, that results in a decrease in the qualified basis of the project under section 42 (c)(1)(A) is noncompliance that must be reported to the Service under this paragraph (e)(3). If an Agency reports on Form 8823 that a building is entirely out of compliance and will not be in compliance at any time in the future, the Agency need not file Form 8823 in subsequent years to report that building's noncompliance.

(ii) *Agency retention of records.* An Agency must retain records of noncompliance or failure to certify for 6 years beyond the Agency's filing of the respective Form 8823. In all other cases, the Agency must retain the certifications and records described in paragraph (c) of this section for 3 years from the end of the calendar year the Agency receives the certifications and records.

(4) *Correction period.* The correction period shall be that period specified in the monitoring procedure during which an owner must supply any missing certifications and bring the project into compliance with the provisions of section 42. The correction period is not to exceed 90 days from the date of the notice to the owner described in paragraph (e)(2) of this section. An Agency may extend the correction period for up to 6 months, but only if the Agency determines there is good cause for granting the extension.

(f) *Delegation of Authority*—(1) *Agencies permitted to delegate compliance monitoring functions*—(i) *In general.* An Agency may retain an agent or other private contractor ("Authorized Delegate") to perform compliance monitoring. The Authorized Delegate must be unrelated to the owner of any building that the Authorized Delegate monitors. The Authorized Delegate may be delegated all of the functions of the Agency, except for the responsibility of notifying the Service under paragraph (e)(3) of this section. For example, the Authorized Delegate may be delegated the responsibility of reviewing tenant certifications and documentation under paragraph (c) (1) and (2) of this section, the right to inspect buildings and records as described in paragraph (d) of this section, and the responsibility of notifying building owners of lack of certification or noncompliance under paragraph (e)(2) of this section. The Authorized Delegate must notify the Agency of any noncompliance or failure to certify.

(ii) *Limitations.* An Agency that delegates compliance monitoring to an Authorized Delegate under paragraph (f)(1)(i) of this section must use reasonable diligence to ensure that the Authorized Delegate properly preforms the delegated monitoring functions. Delegation by an Agency of compliance monitoring functions to an Authorized Delegate does not relieve the Agency of its obligation to notify the Service of any noncompliance of which the Agency becomes aware.

(2) *Agencies permitted to delegate compliance monitoring functions to another Agency.* An Agency may delegate all or some of its compliance monitoring responsibilities for a building to another Agency within the State. This delegation may include the responsibility of notifying the Service under paragraph (e)(3) of this section.

(g) *Liability.* Compliance with the requirements of section 42 is the responsibility of the owner of the building for which the credit is allowable. The Agency's obligation to monitor for compliance with the requirements of section 42 does not make the Agency liable for an owner's noncompliance.

(h) *Effective date.* Allocation plans must comply with these regulations by June 30, 1993. The requirement of section 42 (m)(1)(B)(iii) that allocation plans

contain a procedure for monitoring for noncompliance becomes effective on January 1, 1992, and applies to buildings for which a low-income housing credit is, or has been, allowable at any time. Thus, allocation plans must comply with section 42(m)(1)(B)(iii) prior to June 30, 1993, the effective date of these regulations. An allocation plan that complies with these regulations, with the notice of proposed rulemaking published in the **Federal Register** on December 27, 1991, or with a reasonable interpretation of section 42(m)(1)(B)(iii) will satisfy the requirements of section 42(m)(1)(B)(iii) for periods before June 30, 1993. Section 42(m)(1)(B)(iii) and these regulations do not require monitoring for whether a building or project is in compliance with the requirements of section 42 prior to January 1, 1992. However, if an Agency becomes aware of noncompliance that occurred prior to January 1, 1992, the Agency is required to notify the Service of that noncompliance.

PART 602—OMB CONTROL NUMBERS UNDER THE PAPERWORK REDUCTION ACT

Par. 3. The authority citation for part 602 continues to read as follows:

Authority: 26 U.S.C. 7805.

§ 602.101 [Amended]

Par. 4. Section 602.101(c) is amended by adding the following entry to the table:

"1.42–5 ..... 1545–1291".

Michael P. Dolan,

Acting Commissioner of Internal Revenue.

Approved: August 4, 1992.

Fred T. Goldberg, Jr.,

Assistant Secretary of the Treasury.

[FR Doc. 92–21156 Filed 9–1–92; 8:45 am]

BILLING CODE 4830–01–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 100

[CGD1 92–001]

Special Local Regulation: New York National Championship Race, New York, NY

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary special local regulation for the New York National Championship Race. The event, sponsored by Super Boat Racing Tour will take place on Sunday, October 4th, 1992. Temporary closure of the Lower Hudson River between Battery Park and Manhattan Pier 76 is needed to protect the boating public from the hazards associated with high speed powerboat racing in confined waters.

EFFECTIVE DATE: This regulation is effective from 12 p.m. to 3 p.m. on October 4, 1992.

FOR FURTHER INFORMATION CONTACT: BM1 G. Gaffney, Waterways Management Office, Coast Guard Group New York (212) 668–7933.

SUPPLEMENTARY INFORMATION:

Drafting Information

The drafters of this regulation are BM1 G. Gaffney, Project Manager, Captain of the Port, New York and LCDR J. D. Stieb, Project Attorney, First Coast Guard District, Legal Office.

Regulatory History

On May 1, 1992 the Coast Guard published a notice of proposed rulemaking entitled Special Local Regulation: New York National Championship Race, New York, NY in the Federal Register (57 FR 18850). Prior to this publication, the Coast Guard received six letters commenting on this proposal with no negative comments. A public hearing was not requested and none was held.

Background and Purpose

On December 11, 1991 the sponsor, Super Boat Racing, Inc., submitted a request to hold a power boat race in the Hudson River. The Coast Guard is establishing a temporary regulation in the Hudson River for this event known as the "New York National Championship Race." This regulation establishes a regulated area in NY harbor and provides specific guidance to control vessel movement during the limited timeframe of the race.

This event will include up to 25 powerboats competing on an oval course at speeds approaching 100 m.p.h. Due to the inherent dangers of a race of this type, a bank to bank closure of the waterway and subsequent restriction of traffic will be temporarily effected to ensure the safe navigation of the other users of the Hudson River.

The sponsors, Super Boat Racing, Inc. (formerly under the name Offshore Professional Tour,) have previously run this race in NY harbor in 1990 and 1991. This year's event will follow the same marked course and regulations as set forth in the previous years. By providing sufficient lead time, the Coast Guard, in cooperation with the New York Dept. of Ports and Trade and Super Boat Racing, Inc., is attempting to minimize any burden to the users of the waterway. Parties from the NY and NJ maritime community have been contacted to provide input concerning this repeated event. At the end of the comment period no negative comments had been received.

Discussion of Comments and Changes

Of the six letters that were received from various marine industries around the Port of New York and New Jersey, none opposed the race as long as the conditions, location, and time frame mirror last year's event as planned. Therefore, no changes to the proposed regulation were made as a result of their comments.

Regulatory Evaluation

This regulation is not considered to be major under Executive Order 12291 and not significant under Department of Transportation Regulatory Policies and Procedures (44 FR 11040; February 26, 1979). The Coast Guard expects the economic impact of this regulation to be so minimal that a Regulatory Evaluation is unnecessary due to the limited duration of the race, the extensive advisories that have been and will be made to the affected maritime community, and the fact that the event is taking place on a Sunday afternoon, which normally experiences only a light volume of commercial marine traffic.

Small Entities

For reasons set forth in the above Regulatory Evaluation, the Coast Guard certifies under 5 U.S.C. 605(b) of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) that this regulation will not have a significant economic impact on a substantial number of small entities.

Collection of Information

This regulation contains no collection of information requirements under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

Federalism

The Coast Guard has analyzed this regulation in accordance with the principles and criteria contained in Executive Order 12612 and has determined that this rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Environment

The Coast Guard considered the environmental impact of this regulation and concluded that under section 2.B.2.c. of Commandant Instruction M16475.1B, it is an action under the Coast Guard's

statutory authority to protect public safety, and thus is categorically excluded from further environmental documentation.

List of Subjects in 33 CFR Part 100

Marine safety, Navigation (water), Reporting and recordkeeping requirements, Waterways.

For reasons set out in the preamble, the Coast Guard amends 33 CFR part 100 as follows:

PART 100—[AMENDED]

1. The authority citation for part 100 continues to read as follows:

Authority: 33 U.S.C 1233; 49 CFR 1.46 and 33 CFR 100.35.

2. A Temporary section, 100.T01–001 is added to read as follows:

§ 100.T01–001 New York National Championship Race, New York and New Jersey.

(a) *Regulated Area.* The regulated area includes all waters of the Lower Hudson River south of a line drawn between Pier 76 Manhattan and a point on the New Jersey shore at 40°45'52" N latitude 74°01'01" W longitude, and north of a line connecting the following points:

Latitude	*Longitude*
40°42'16.0" N	74°01'09.0" W
40°41'55.0" N	74°01'16.0" W
40°41'47.0" N	74°01'36.0" W
40°41'55.0" N	74°01'59.0" W, Then to shore at
40°42'20.5" N	74°02'06.0" W

(b) *Special Local Regulations.*

(1) Commander, U.S. Coast Guard Group New York reserves the right to delay, modify or cancel the race as conditions or circumstances require.

(2) No person or vessel may enter, transit, or remain in the regulated area during the effective period of regulation unless participating in the event as authorized by the sponsor or the Coast Guard. The Patrol Commander, as delegated by the Commander, Coast Guard Group New York, will attempt to minimize any delays for commercial vessels transiting the area and will monitor channel 16 VHF–FM.

(3) All persons and vessels shall comply with the instructions of the Commander, U.S. Coast Guard Group New York or the designated on scene patrol personnel. U.S. Coast Guard patrol personnel include commissioned, warrant, and petty officers of the Coast Guard. Upon hearing five or more blasts from a U.S. Coast Guard vessel, the operator of a vessel shall stop immediately and proceed as directed. Members of the Coast Guard Auxiliary may be present to inform vessel operators of this regulation and other applicable laws.

(c) *Effective period.* This regulation is effective from 12 p.m. to 3 p.m. on October 4, 1992.

Dated: August 26, 1992.

J.D. Sipes,

Rear Admiral, U.S. Coast Guard Commander, First Coast Guard District.

[FR Doc. 92–21101 Filed 9–1–92; 8:45 am]

BILLING CODE 4910–14–M

33 CFR Part 165

[CGD1 92–097]

Safety Zone: Lower East River, NY

AGENCY: Coast Guard, DOT.

ACTION: Temporary Final Rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone for a fireworks display within all waters of the Lower East River south of the Brooklyn Bridge and north of a line drawn between slip 7 Manhattan and pier 5 Brooklyn. The fireworks display will take place on Sunday, September 6, 1992 from 8 p.m. to 10 p.m. with a rain date of September 7, 1992. Temporary closure of the waters surrounding the launching barges is needed to protect the boating public from the safety hazards associated with a pyrotechnic fireworks display in these waters.

EFFECTIVE DATES: This regulation is effective from 8 p.m. through 10 p.m. on September 6, 1992. (Raindate September 7, 1992.)

FOR FURTHER INFORMATION CONTACT: Lieutenant (junior grade) J.E. Peschel, Waterways Management Officer, Coast Guard Group New York (212) 668–7933.

SUPPLEMENTARY INFORMATION:

Drafting Information

The drafters of this notice are LTJG J.E. Peschel, Captain of the Port, New York and LCDR J. Astley, Project Attorney, First Coast Guard District, Legal Office.

Regulatory History

Pursuant to 5 U.S.C. 553, a notice of proposed rulemaking was not published for this regulation and good cause exists for making it effective in less than 30 days after **Federal Register** publication. Publishing an NPRM and delaying its effective date would be contrary to public interest since the event takes place on a public holiday where immediate action is needed to respond to any potential hazards and sufficiently protect the boating public. Due to the date that this application was received, there was not sufficient time to publish proposed rules in advance of the event or to provide for a delayed effective date.

Background and Purpose

The circumstances requiring this regulation result from the desire to protect the maritime public from possible dangers and hazards associated with a pyrotechnic fireworks display in the waters of the Lower East River. The safety zone will surround a barge based program directed over the waters of the Lower East River. This two hour zone allows time for Coast Guard personnel to clear vessels from the area both before and during the display, and ensure all pyrotechnics have been extinguished prior to reopening the area to maritime traffic. No vessel will be permitted to enter or move within the safety zone unless permitted to do so by Captain of the Port, New York.

Regulatory Evaluation

This regulation is not major under Executive Order 12291 and not significant under Department of Transportation Regulatory Policies and Procedures (44 FR 11040; February 26, 1979). Due to the limited duration of the display within this two hour window, and the extensive advisories made to the affected maritime community concerning this event, the impact of this regulation is expected to be minimal. The Coast Guard expects the economic impact of this regulation to be so minimal that a Regulatory Evaluation is unnecessary.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard must consider whether this regulation will have a significant economic impact on a substantial number of small entities. "Small entities" include independently owned and operated small businesses that are not dominant in their field and that otherwise qualify as "small business concerns" under section 3 of the Small Business Act (15 U.S.C. 632).

For reasons set forth in the above Regulatory Evaluation, the Coast Guard certifies under 5 U.S.C. 605(b) this regulation will not have a significant economic impact on a substantial number of small entities.

Collection of Information

This regulation contains no collection of information requirements under the Paperwork Reduction Act (44 U.S.C. 3501).

Federalism

The Coast Guard has analyzed this action in accordance with the principles and criteria contained in Executive Order 12612 and has determined that this regulation does not raise sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Environment

The Coast Guard considered the environmental impact of this regulation and concluded that under section 2.B.2.c. of Commandant Instruction M16475.1B, it is an action under the Coast Guard's statutory authority to protect public safety, and thus is categorically excluded from further environmental documentation.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, waterways.

For reasons set out in the preamble, the Coast Guard proposes to amend 33 CFR part 165 as follows:

PART 165—[AMENDED]

1. The authority citation for part 165 continues to read as follows:

Authority: 33 U.S.C. 1231; 50 U.S.C. 191; 33 CFR 1.05–1(g), 6.04–1, 6.04–6, and 160.5, 49 CFR 1.46.

2. A temporary section, 165.T 01–097 is added to read as follows:

§ 165.T 01–097 South Street Seaport Labor Day Fireworks, Lower East River, New York.

(a) *Location.* The safety zone includes all waters bank to bank of the Lower East River south of the Brooklyn Bridge and north of a line drawn from Slip 7, Manhattan to Pier 5, Brooklyn.

(b) *Effective period.* This regulation is effective from 8 p.m. through 10 p.m. on September 6, 1992. (Rain date of September 7, 1992.)

(c) *Regulations.* (1) No person or vessel may enter, transit, or remain in the safety zone during the effective period of regulation unless participating in the event as authorized by the U.S. Coast Guard Captain of the Port (COTP), New York. The COTP will attempt to minimize any delays for commercial vessels transiting the area and will monitor channel 16 VHF–FM.

(2) All persons and vessels shall comply with the instructions of the COTP NY or the designated on scene personnel. U.S. Coast Guard patrol personnel include commissioned, warrant, and petty officers of the Coast Guard. Upon hearing five or more blasts from a U.S. Coast Guard vessel, the operator of a vessel shall stop immediately and proceed as directed.

Dated: August 27, 1992.

R.M. Larrabee,

Captain, U.S. Coast Guard, Captain of the Port, New York.

[FR Doc. 92–21012 Filed 9–1–92; 8:45 am]

BILLING CODE 4910–14–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[IL49–1–5525; FRL–4157–8]

Approval and Promulgation of Implementation Plans; Illinois

AGENCY: United States Environmental Protection Agency (USEPA).

ACTION: Final rule.

SUMMARY: USEPA is approving a revision to the Illinois State Implementation Plan (SIP) for sulfur dioxide (SO_2). The revision pertains to the Peoria SO_2 nonattainment area plan. USEPA's action is based upon a revision request which was submitted by the State to satisfy the requirements of part D of the Clean Air Act for the Peoria/Tazewell SO_2 nonattainment area, which consists of portions of Peoria and Tazewell Counties. This action is being taken in light of Illinois' February 8, 1991, correction of several deficiencies in the SO_2 compliance test methodology. USEPA approved these corrections on June 26, 1992 (57 FR 28617).

DATES: This action will be effective November 2, 1992 unless notice is received within 30 days of publication that adverse or critical comments will be submitted. If the effective date is delayed, timely notice will be published in the **Federal Register.**

ADDRESSES: Copies of the requested SIP revision, technical support documents and public comments received are available at the following address: U.S. Environmental Protection Agency, Region V, Air and Radiation Division, Regulation Development Branch, 77 West Jackson Boulevard, Chicago, Illinois 60604.

Copies of the regulations being incorporated by reference in today's rule are available for inspection at: U.S. Environmental Protection Agency, Public Information Reference Unit, 401 M Street, SW., Washington, DC 20460.

Comments on this rulemaking should be addressed to: J. Elmer Bortzer, Chief, Regulation Development Section, Regulation Development Branch (5AR–18J), United States Environmental Protection Agency, Region V, 77 West Jackson Boulevard, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: Fayette Bright (5AR–18J), Regulation Development Branch, United States Environmental Protection Agency, Region V, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886–6069.

SUPPLEMENTARY INFORMATION:

I. Background/Summary of State Submittal

On November 20, 1985, the Illinois Environmental Protection Agency (IEPA) submitted to USEPA Illinois Pollution Control Board (IPCB) Proposed Opinion and Order R84–28 (adopted October 10, 1985). On April 24, 1986, prior to completion of USEPA review of the proposal, Final Order R84–28 was adopted by the IPCB. IEPA resubmitted that Order, as adopted, to USEPA on June 9, 1986. The state's submittal is intended to satisfy an outstanding condition related to federal approval of Illinois' Part D SO_2 SIP for the Peoria/Tazewell nonattainment area. See 45 FR 62804 (September 22, 1980) and 50 FR 5246 (February 7, 1985). The Peoria/Tazewell SO_2 Part D plan will be complete following USEPA approval of IPCB Final Order R84–28. The information presented below summarizes the requested SIP revision and USEPA's action on it. A more detailed analysis of the State's submittal is contained in technical support documents dated February 13, 1986, and March 16, 1992, which are available from the Region V office listed above.

On May 31, 1972 (37 FR 10861), USEPA approved Illinois Rule 204(c)(1)(A) which established a 1.8 lbs (pounds SO_2 per million British Thermal Units)/MMBTU emission limit for existing fuel combustion sources in the Peoria, East St. Louis and Chicago major metropolitan area. This rule was to serve as the state's Part D SIP control strategy for the Peoria/Tazewell nonattainment area.

However, Rule 204(c)(1)(A) was invalidated by the Illinois Appellate Court on September 27, 1978. Through several SIP actions (see 47 FR 9479—March 5, 1982: 49 FR 31412—August 7, 1984; 49 FR 31687—August 8, 1984), SO_2 emission limits have been reestablished for all sources in the Peoria area with the exception of boilers at the Caterpillar Tractor Mapleton and East Peoria plants, Westinghouse Air Brake Co. (WABCO), Pabst, Archer Daniels Midland (ADM), and Central Illinois Light Company (CILCO) Edwards Station Units 1 and 3.

The SO_2 emission limits for existing solid fuel emission sources are contained in Part 214 Subpart C of Title 35 Chapter I Subchapter C of Illinois' rules. IPCB Final Order R84–28 revised limits contained in part 214. This revision establishes SO_2 emission limits for the above named sources as follows:

1. Section 214.141(c)—Caterpillar Tractor East Peoria boilers (with maximum rated capacity of 882 MMBTU/hr)—1.4 lbs/MMBTU
2. Section 214.141(d)—Caterpillar Tractor Mapleton Boilers 2–5 (with maximum rated capacity of 996 MMBTU/hr per Consent Decree with USEPA)—1.1 lbs/MMBTU
3. Section 214.141(b)—WABCO, Pabst and ADM boilers (with maximum rated capacities of 59 MMBTU/hr, 58 MMBTU/hr and 624 MMBTU/hr, respectively)—5.5 lbs/MMBTU. The 5.5 lb/MMBTU limit does not apply to sources in the City of Peoria with stacks less than 47 meters (m) high. This provision affects only WABCO which has a stack height less than 47m. Consequently, WABCO cannot emit more than 1.8 lbs/MMBTU with their current stack. If WABCO increased their stack height to 47m, they would be allowed to emit up to 5.5 lb/MMBTU
4. Section 214.561—Central Illinois Light Company (CILCO), E.D. Edwards Electric Generating Station Units 1 and 3 (with maximum rated capacity of 5461 MMBTU/hr)—6.6 lbs/MMBTU

IPCB Final Order R84–28 also creates Section 214.560 which provides Subpart X Utilities—This Subpart contains rules which modify the general emission rules of Subparts A through M as applied to a given industry or a given site.

II. Demonstration of Attainment

USEPA requires that State SIP submittals contain a demonstration that the provisions of the revised SIP will provide for attainment and maintenance of the National Ambient Air Quality Standards (NAAQS). In support of today's SIP revision for Peoria and Tazewell counties, IEPA has submitted several air quality modeling analyses, which combine to form IEPA's attainment demonstration. USEPA has reviewed these modeling studies, and has found them to be consistent with USEPA modeling guidelines and with USEPA's stack height regulations.

One of these modeling studies predicted violations of the SO_2 NAAQS at two receptors located on a bluff within the boundaries of the Caterpillar Tractor Mapleton plant. The bluff is on plant property and is not fully fenced to prevent public access. USEPA was concerned that the public might be able to gain access to the areas where violations were predicted. If this was in fact possible, the violations would have to be considered to be ambient violations, and therefore the emission limits that Illinois had proposed for the Caterpillar Tractor Mapleton plant could not be shown to protect the NAAQS, and would not be approvable.

Illinois Environmental Protection Agency (IEPA) staff visited the site and determined that the bluff was indeed inaccessible to the public. The terrain is steep and overgrown in that area, and existing access roads are adequately fenced. Following discussions with IEPA and review of a map showing the fencing and terrain of the bluff area, USEPA accepted IEPA's determination. Therefore, the modeled violations at Caterpillar Tractor Mapleton are not considered ambient violations.

The modeling analyses submitted by IEPA adequately demonstrate that the SO_2 limits set forth in the SIP revision will provide for the attainment and maintenance of the SO_2 NAAQS in Peoria and Tazewell Counties.

III. Enforcement

When this rule submittal was received, Illinois' SO_2 compliance test methods (set forth in § 214.101), which are coupled with the emission limits in the Peoria/Tazewell SIP revision, were not consistent with Federal policy requirements intended to protect the short-term SO_2 NAAQS. Illinois was informed of the deficiencies in the compliance methodology and was asked to correct them. On February 8, 1991, Illinois submitted SO_2 compliance measurement method revisions to USEPA. USEPA approved the revision on June 26, 1992, (57 FR 28617) because the revisions have corrected the deficiencies previously identified by USEPA.

IV. Rulemaking Action

USEPA approves 35 IAC Sections 214.141 (b), (c), (d), 214.560 and 214.561 as revisions to the Illinois SO_2 SIP. The Part D plan for the Peoria/Tazewell SO_2 nonattainment area will be complete following today's action.

USEPA is publishing this action without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comments. This action will be effective November 2, 1992 unless, within 30 days of its publication, notice is received that adverse or critical comments will be submitted. If such notice is received, this action will be withdrawn before the effective date by publishing two subsequent notices. One notice will withdraw the final action and another will begin a new rulemaking by announcing a proposal of the action and establishing a comment period. If no such comments are received, the public is advised that this action will be effective November 2, 1992.

This action has been classified as a Table 2 action by the Regional Administrator under the procedures published in the **Federal Register** on January 19, 1989, (54 FR 2214–2225). On January 6, 1989, the Office of Management and Budget (OMB) waived Table 2 and 3 SIP revisions (54 FR 2222) from the requirements of Section 3 of Executive Order 12291 for a period of 2 years.

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request for revision to any State Implementation Plan. Each request for revision to the State Implementation Plan shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

The Agency has reviewed this request for revision of the federally approved State Implementation Plan for conformance with the provisions of the 1990 Amendments enacted on November 15, 1990. The Agency has determined that this action conforms with these requirements irrespective of the fact that the submittal preceded the date of enactment.

Under 5 U.S.C. 605(b), the Administrator has certified that SIP approvals do not have a significant economic impact on a substantial number of small entities (See 46 FR 8709).

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by November 2, 1992. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Air pollution control, Incorporation by reference, environmental protection, Sulfur oxides.

Note.—Incorporation by reference of the State Implementation Plan for the State of Illinois was approved by the Director of the Federal Register on July 1, 1982.

Dated: July 10, 1992.

Valdas V. Adamkus,

Regional Administrator.

For the reasons set out in the preamble, chapter 1 of title 40 of the Code of Federal Regulations is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401–7671(q).

Subpart O—Illinois

2. Section 52.720 is amended by adding paragraph (c)(88) to read as follows:

§ 52.720 Identification of plan.

* * * * *

(c) * * *

(88) On June 9, 1986, the State submitted revisions to its sulfur dioxide limitations in the form of a April 24, 1986, opinion and order of the Illinois Pollution Board in proceeding R84–28.

(i) Incorporation by reference.

(A) Title 35: Environmental Protection, Subtitle B: Air Pollution Chapter 1: Pollution Control Board Part 214 Sulfur Limitations, Subpart C: Existing Solid Fuel Combustion Emission Sources, § 214.141 Sources Located in Metropolitan Areas, paragraphs b), c) and d), and Subpart X: Utilities, § 214.560 Scope and § 214.561 E.D. Edwards Electric Generating Station effective May 20, 1986.

[FR Doc. 92–21064 Filed 9–1–92; 8:45 am]

BILLING CODE 6560–50–M

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40 CFR Part 180

[OPP–300256A; FRL–4073–4]

RIN 2070–AB78

Buffalo Gourd Root Powder; Tolerance Exemption

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This document establishes an exemption from the requirement of a tolerance for residues of buffalo gourd root powder (*Cucurbita foetidissima* root powder) when used as an inert ingredient (gustatory stimulant) in pesticide formulations applied to growing crops only. This regulation was requested by the Microfolo Co.

EFFECTIVE DATE: This regulation becomes effective September 2, 1992.

ADDRESSES: Written objections, identified by the document control number, [OPP-300256A], may be submitted to: Hearing Clerk (A-110), Environmental Protection Agency, Rm. M3708, 401 M St., SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: By mail: Connie Welch, Registration Support Branch, Registration Division (H7505C), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm. 711I, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703)-305-7252.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of July 9, 1992 (57 FR 30454), EPA issued a proposed rule that gave notice that the Micorflo Co., 719 Second St., Suite 12, Davis, CA 95616, had submitted pesticide petition (PP) 2E4064 to EPA requesting that the Administrator, pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. 346a(e), propose to amend 40 CFR 180.1001(d) by establishing an exemption from the rquirement of a tolerance for residues of Buffalo gourd root powder (*Cucurbita foetidissima* root powder) when used as an inert ingredient (gustatory stimulant) in pesticide formulations applied to growing crops only.

Inert ingredients are all ingredients that are not active ingredients as defined in 40 CFR 153.125, and include, but are not limited to, the following types of ingredients (except when they have a pesticidal efficacy of their own): solvents such as alcohols and hydrocarbons; surfactants such as polyoxyethylene polymers and fatty acids; carriers such as clay and diatomaceous earth; thickeners such as carrageenan and modified cellulose; wetting, spreading, and dispersing agents; propellants in aerosol dispensers; microencapsulating agents; and emulsifiers. The term "inert" is not intended to imply nontoxicity; the ingredient may or may not be chemically active.

There were no comments or requests for referral to an advisory committee received in response to the proposed rule.

The data submitted in the petition and other relevant material have been evaluated and discussed in the proposed rule. Based on the data and information considered, the Agency concludes that the exemption from the requirement of a tolerance will protect the public health. Therefore, the tolerance exemption is established as set forth below.

Any person adversely affected by this regulation may, within 30 days after publication of this document in the **Federal Register**, file written objections with the Hearing Clerk, at the address given above (40 CFR 178.20). The objections submitted must specify the provisions of the regulation deemed objectionable and the grounds for the objections (40 CFR 178.25). Each objection must be accompanied by the fee prescribed by 40 CFR 180.33(i). If a hearing is requested, the objections must include a statement of the factual issue(s) on which a hearing is requested, the requestor's contentions on such issues, and a summary of any evidence relied upon by the objector (40 CFR 178.27). A request for a hearing will be granted if the Administrator determines that the material submitted shows the following: There is a genuine and substantial issue of fact; there is a reasonable possibility that available evidence identified by the requestor would, if established, resolve one or more of such issues in favor of the requestor, taking into account uncontested claims or facts to the contrary; and resolution of the factual issue(s) in the manner sought by the requestor would be adequate to justify the action requested (40 CFR 178.32).

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-354, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

List of Subjects in 40 CFR Part 180

Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: August 13, 1992.

Douglas D. Campt,

Director, Office of Pesticide Programs.

Therefore, 40 CFR part 180 is amended as follows:

PART 180—[AMENDED]

1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 346a and 371.

2. Section 180.1001(d) is amended by adding and alphabetically inserting the inert ingredient "Buffalo gourd root powder" to read as follows:

§ 180.1001 Exemptions from the requirement of a tolerance.

(d) * * *

* * * * *

Inert ingredients	Limits	Uses
Buffalo gourd root powder (*Cucurbita foetidissima* root powder).	No more than 2.5 lbs/acre/season (3.4 gm/acre/season of Cucurbitacin).	Gustatory stimulant

* * * * *

[FR Doc. 92-21029 Filed 9-1-92; 8:45 am]

BILLING CODE 6560-50-F

FEDERAL MARITIME COMMISSION

46 CFR Part 510

[Docket No. 92-30]

Licensing of Ocean Freight Forwarders

AGENCY: Federal Maritime Commission.

ACTION: Final rule.

SUMMARY: The Federal Maritime Commission amends its regulations which govern the licensing, duties and responsibilities of ocean freight forwarders, to reduce financial and regulatory burdens on the ocean freight forwarder industry. The final rule (1) removes the requirement that prior Commission approval be obtained for organizational changes involving the acquisition of one or more additional licensees by a licensee; (2) permits the processing fee for Commission approval of organizational changes to be paid by personal check; and (3) permits the licensee's name to appear before or after the shipper's name when the licensee's name appears in the shipper identification box on the bill of lading. (The final rule also includes technical changes to reflect the redesignation of the Commission's Bureau of Tariffs to the Bureau of Tariffs, Certification and Licensing.)

EFFECTIVE DATE: Effective on September 2, 1992, except the removal of § 510.19(a)(5), the redesignation of § 510.19(a)(6) and (7), and the addition of § 510.19(f) which are effective April 1, 1994.

FOR FURTHER INFORMATION CONTACT:
Bryant L. VanBrakle, Director, Bureau of Tariffs, Certification & Licensing, Federal Maritime Commission, 1100 L Street, NW., Washington, DC 20573-001, (202) 523-5796
or
Seymour Glanzer, Director, Bureau of Hearing Counsel, Federal Maritime Commission, 1100 L Street, NW., Washington, DC 20573-0001, (202) 523-5783

SUPPLEMENTARY INFORMATION: The Federal Maritime Commission ("Commission" or "FMC") initiated this proceeding by publishing a Notice of Proposed Rulemaking ("NPR") in the **Federal Register** on June 5, 1992 (57 FR 24004). The NPR solicited comments on a proposed rule to amend certain provisions of the freight forwarder regulations in order to reduce financial and regulatory burdens on the ocean freight forwarder industry.

The proposed rule would (1) remove the requirement that prior Commission approval be obtained for organizational changes involving the acquisition of one or more additional licensees by another licensee; (2) permit the processing fee for Commission approval of organizational changes to be paid by personal check; and (3) permit the licensee's name to appear before or after the shipper's name when the licensee's name appears in the shipper identification box on the bill of lading.

Comments

Comments were received from the National Customs Brokers and Forwarders Association of America, Inc. ("NCBFAA"); the Pacific Coast Council of Customs Brokers and Freight Forwarders Associations, Inc. ("Pacific Coast Council"); the New York Foreign Freight Forwarders and Brokers Association New York ("NYFFBA"); Hiram Walker & Sons, Inc. ("Hiram Walker"); and, jointly certain South America, Central America and Caribbean conferences and discussion agreements ("Conferences").[1]

NCBFAA opposes removing the requirement for prior Commission approval of licensee acquisitions at this time. Although it believes that "the Commission is on the right track" with this proposed rule, NCBFAA advises that the proposed rule is untimely.

The underpinning of NCBFAA's concern about timeliness is a petition pending before the Commission seeking relief, pursuant to section 19 of the Merchant Marine Act, 1920, 46 U.S.C. app. 876 from a proposed consortium allegedly sponsored by the Government of the Republic of Korea.[2] NCBFAA argues that removing the approval requirement at this time would facilitate the alleged proposed monopolization and controlled cargo practices in the U.S.-Korean trades by authorizing the acquisition of licensees for the projected consortium.

NCBFAA further believes that given the consortium issue the acquisition process should be scrutinized more closely, and suggests that the Commission require an appropriate

[1] Those conferences and discussion agreements are as follows: Venezuelan American Maritime Association; Atlantic and Gulf/West Coast South America Conference; United States/Central America Liner Association; Central America Discussion Agreement; United States Atlantic & Gulf/Hispaniola Steamship Freight Association; Hispaniola Discussion Agreement; United States Atlantic & Gulf/Southeastern Caribbean Steamship Freight Association; Southeastern Caribbean Discussion Agreement; Jamaica Discussion Agreement; United States/Panama Freight Association; PANAM Discussion Agreement; Puerto Rico/Caribbean Discussion Agreement; Caribbean and Central American Discussion Agreement. Sea-Land Service, Inc., a member of some of the foregoing conferences and agreements, did not participate in their comments.

[2] This petition, entitled Petition No. P3-92—*Petition Of Korean Forwarders & Customs Brokers Association Of Southern California Pursuant To Section 19(b)(b) Of The Merchant Marine Act Of 1920 Regarding Conditions Unfavorable To Shipping In The Foreign Trade Between The United States And The Republic Of Korea*, was dated June 16, 1992, and was filed by the Korean Forwarders and Customs Brokers Association of Southern California. The petition requested Commission action to prevent an agency of the Government of the Republic of Korea from allegedly sponsoring a consortium which plans to establish a transportation operation in the United States offering freight forwarding, non-vessel-operating common carrier, customs brokerage and other transportation services in the U.S.-Korean trade. In a Notice of Filing of Petition For Relief, served June 29, 1992, the Commission advised that Petition No. P3-92 would be held in abeyance because: (1) Bilateral talks between Korea and the United States were scheduled for July 1992; (2) the consortium is nonexistent; and (3) certain Commission action proposed in FMC Docket No. 92-42, *Actions To Adjust Or Meet Conditions Unfavorable To Shipping In The United States/Korea Trade*, could affect the consortium issue.

affirmation from all proposed transferees that: (1) They will abide by all applicable U.S. laws; (2) they will not join with other licensees in seeking to control or otherwise unlawfully monopolize ocean forwarding in any specific trade(s); (3) they are privately owned independent entities rather than instruments of a foreign government; and (4) they have accurately represented any direct or indirect ownership or control by any foreign government. Finally, the NCBFAA suggests an alternative to this proposed rule, to wit: Exempt licensees from the approval process only when the sole change in the identity of the forwarder is through a corporate restructuring, such as a consolidation. NCBFAA favors the proposed amendments which would allow payment by personal check and permit a licensee's name to appear before or after the shipper's name in the shipper identification box on the bill of lading.

The Pacific Coast Council's comments generally tracked those of NCBFAA. Although expressing general support for the licensee acquisition amendment, the Pacific Coast Council argues that the proposed change is untimely because elimination of the prior approval requirement would subvert the Commission's proposed sanctions in Docket No. 92–42.[3] The Pacific Coast Council favors the amendments permitting payment by personal check and permitting a licensee's name to appear before or after the shipper's name.

The NYFFBA, on the other hand, favors elimination of the prior approval requirement for acquisition of licensees for the reasons that the requirement is unnecessary, time consuming and economically and financially burdensome.[4] NYFFBA supports the other proposed amendments permitting payment by personal check and permitting a licensee's name to appear before or after the shipper's name.

Hiram Walker opposes the elimination of the licensee acquisition prior approval requirement, indicating that the Commission and the public should be aware of such acquisitions. Hiram Walker is concerned about potential effects on existing agreements with shippers and possible conflict of interest or restraint of competition and trade. It also opposes the proposed amendment which would allow the licensee's name to appear before or after the shipper's name in the shipper identification box. Opposition is based on the view that the name of only the true shipper or beneficial owner of the cargo should appear in the shipper identification box.

Finally, the Conferences oppose the elimination of the prior approval requirement for acquisition of licensees because of concerns about the Commission's ability to monitor the fitness qualifications of the resulting entity. The Conferences are further opposed to the proposed amendment which would permit payment by personal check on the ground that mere suspension of an application in the event of a dishonored personal check was insufficient. The Conferences contend that dishonoring a personal check bears on the character of the licensee. The Conferences recommend that, if implemented, the proposed rule be revised to require a re-examination of the licensee's fitness, including, but not limited to, a full adjudicatory investigation when a personal check is dishonored.

Discussion

The Commission has considered all of the comments received in this proceeding and has determined to adopt the proposed rule as a final rule in this matter, with certain changes which are discussed below. Any comments not expressly discussed either have been incorporated without discussion, have been found to be mooted by the changes incorporated into the final rule, or have been found to be irrelevant, without merit or beyond the scope of the proceeding.

Acquisitions of Licensees

The concerns expressed by Hiram Walker and the Conferences are not relevant to the process of Commission approval of licensee acquisition under existing regulations. A decision to forgo adoption of this proposed change, therefore, would not result in the effects contemplated by Hiram Walker and the Conferences.

Additionally, elimination of the prior approval requirement for licensee acquisitions is not likely to have the deleterious effect described by NCBFAA and the Pacific Coast Council. The involved amendment would not subvert the sanctions proposed in Docket No. 92–42 should they become effective. Under that proceeding, licensees which are majority owned or controlled by non-U.S. citizen Korean nationals would be ineligible to perform the duties of an ocean freight forwarder in the U.S. trades. This ineligibility would extend to licensees acquired by those Korean forwarders. Therefore, any licensee which a Korean forwarder acquired also would be ineligible to operate as a freight forwarder in the U.S. trades. Similarly, this ineligibility would impede the acquisition of licensees for the projected consortium.

Nevertheless, the Commission recognizes that in these circumstances, adoption of the proposed amendment might be misperceived as inconsistent with the ongoing proceedings in Docket No. 92–42 and Petition No. P3–92. The concerns about timeliness expressed by the affected industry do have merit. However, because it would be inappropriate to withdraw an otherwise beneficial rule solely for that reason, the amendment will be adopted, but its effective date will be postponed to April 1, 1994, a date when the pending proceedings are likely to be concluded.

Payment by Personal Check

The only opposition to permitting payment by personal check in applications for Commission approval of organizational changes was that of the Conferences. The Conferences are against the provision in the proposed rule that would suspend Commission consideration of an application when a check is dishonored, on the grounds that a dishonored personal check goes directly to the character of a licensee. A personal check, however, may be dishonored for various reasons, including those which do not bear on the character of the account holder. Also, reexamination of an applicant's fitness, including a full adjudicatory investigation, would be cumbersome, expensive and time consuming to both the licensee and the Commission. The Commission's proposal to defer the application process by suspending consideration adequately addresses the concerns associated with a dishonored personal check in a simple, expedient and efficient manner. Moreover, adequate procedures to address issues concerning a licensee's character or fitness presently exist in the Commission's regulations, and those procedures may be applied to concerns

[3] The proceeding in Docket No. 92–42 resulted from a petition filed by Direct Container Line, Inc. on January 13, 1992. *Petition Pursuant to Section 19(1)(b) of the Merchant Marine Act of 1920 Against Certain Practices of the Government Of Korea.* (Petition No. P2–92.) The petition sought relief, pursuant to section 19 of the Merchant Marine Act, 1920, from conditions allegedly unfavorable to shipping in the United States-Korea trade resulting from the laws of the Republic of Korea. Thereafter, the Commission initiated an investigation pursuant to section 19 and determined that unfavorable conditions did exist in the trade. On July 1, 1992, in Docket No. 92–42, the Commission published a proposed rule which would suspend the licenses of ocean freight forwarding enterprises owned or controlled by non-U.S. citizen Korean nationals, among other sanctions.

[4] NYFFBA supported the license suspension sanctions in Docket No. 92–42.

arising from a dishonored personal check, as the Commission may determine on a case-by-case basis. Accordingly, this amendment is being adopted in the final rule without change.

Shipper Identification Box

The only opposition to permitting the licensee's name to appear before or after the shipper's name in the shipper identification box was that of Hiram Walker, which opposes any appearance of the licensee's name in the shipper identification box. However, that result is beyond the scope of this proposed rule and is not well taken, inasmuch as the existing regulations currently permit the licensee's name to appear in the shipper identification box after the name of the shipper.

Although the Commission, as an independent regulatory agency, is not subject to Executive Order 12291, dated February 17, 1981, it nonetheless has reviewed the rule in terms of this Order and has determined that this rule is not a "major rule" because it will not result in:

(1) An annual effect on the economy of $100 million or more;

(2) A major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or

(3) Significant adverse effect on competition, employment, investment, productivity, innovations, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

This rule streamlines the regulatory process and thereby reduces the financial, administrative and regulatory burdens of ocean freight forwarders. Inasmuch as this reduction will be beneficial to those entities, the Federal Maritime Commission certifies, pursuant to section 605(b) of the Regulatory Flexibility Act, 5 U.S.C. 605(b), that this rule will not have a significant economic impact on a substantial number of small entities, including small businesses, small organizational units or small governmental organizations.

This rule does not contain any collection of information requirements that require submission to the Office of Management and Budget ("OMB"). Therefore, OMB review is not required.

List of Subjects in 46 CFR Part 510

Fees and user charges, Licensing, Ocean freight forwarders, Reporting and record keeping requirements, Surety bonds.

Therefore, pursuant to 5 U.S.C. 553 and sections 17 and 19 of the Shipping Act of 1984, 46 U.S.C. app. 1716 and 1718, part 510 of title 46, Code of Federal Regulations, is amended as follows:

PART 510—[AMENDED]

1. The authority citation for part 510 continues to read:

Authority: 5 U.S.C. 553, 46 U.S.C. app. 1702, 1707, 1709, 1710, 1712, 1714, 1716, and 1718; 21 U.S.C. 853a.

2. Section 510.19 is amended by deleting paragraph (a)(5) and by redesignating paragraphs (a)(6) and (a)(7) as (a)(5) and (a)(6), respectively.

3. Section 510.19 is also amended by revising paragraph (e) and adding a new paragraph (f) to read as follows:

§ 510.19 Changes in organization.

* * * * *

(e) *Application form and fee.* Applications for Commission approval of status changes or for license transfers under paragraph (a) of this section shall be filed in duplicate with the Director, Bureau of Tariffs, Certification and Licensing, Federal Maritime Commission, on Form FMC–18, Rev., together with a processing fee of $100, made payable by money order, certified check, cashier's check or personal check to the Federal Maritime Commission. Should a personal check not be honored when presented for payment, the processing of the application shall be suspended until the processing fee is paid.

(f) *Acquisition of one or more additional licensees.* In the event a licensee acquires one or more additional licensees, for the purpose of merger, consolidation, or control, the acquiring licensee shall advise the Commission of such change within thirty days after such change occurs by submitting in duplicate, an amended Form FMC–18, Rev. No application fee is required when reporting this change.

5. Section 510.23 is amended by revising paragraph (a) to read as follows:

§ 510.23 Forwarder and carrier; compensation.

(a) *Disclosure of principal.* The identity of the shipper must always be disclosed in the shipper identification box on the bill of lading. The licensee's name many appear with the name of the shipper, but the licensee must be identified as the shipper's agent.

* * * * *

By the Commission.

Joseph C. Polking,

Secretary.

[FR Doc. 92–21039 Filed 9–1–92; 8:45 am]

BILLING CODE 6730–01–M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. 90–01; Notice 3]

RIN 2127–AE33

Federal Motor Vehicle Safety Standards; School Bus Pedestrian Safety Devices

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Final rule; response to petition for reconsideration.

SUMMARY: This rule amends certain provisions in Standard No. 131, School Bus Pedestrian Safety Devices (49 CFR § 571.131) which requires new school buses to be equipped with a stop signal arm. Specifically, the amendment requires the stop signal arm to be aligned relative to the lower edge of the passenger window. In addition, with respect to stop arms equipped with lights to meet the standard's conspicuity requirement, this notice amends the flash rate so that it more closely correlates to the most recent recommended practice of the Society of Automotive Engineers. These amendments will increase the effectiveness of stop signal arms by improving their visibility to other motorists.

DATES: *Effective Date:* The amendment becomes effective September 2, 1992.

Petitions for reconsideration: Any petition for reconsideration of this rule must be received by the agency not later than October 2, 1992.

ADDRESSES: Petitions for reconsideration should refer to Docket No. 90–01; Notice 3 and be submitted to the following: Administrator, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Mr. Charles Gauthier, Office of Vehicle Safety Standards, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590 (202) 366–4799.

SUPPLEMENTARY INFORMATION:

I. Background

On May 3, 1991, NHTSA published a final rule establishing a new Federal motor vehicle safety standard requiring new school buses to be equipped with a stop signal arm. (56 FR 20363). A stop signal arm is a device patterned after conventional " STOP" signs and

attached to the left side of a school bus. When the school bus stops, the stop signal arm automatically extends outward from the bus. Its purpose is to alert motorists that a school bus is stopping or has stopped. The standard specifies requirements about the stop signal arm's appearance, size, conspicuity, operation and location.

The agency established this new safety standard after reviewing the available information, including the docket comments, the Fatal Accident Reporting System (FARS) data, and a report issued by the National Academy of Sciences entitled "Improving School Bus Safety," (Special Report No. 222). The agency determined that a safety need exists for better controlling the movement or vehicles passing stopped school buses during the loading and unloading of passengers.

II. Petitions for Reconsideration

NHTSA received two petitions for reconsideration of the stop signal arm rule. One was a petition from the California Department of Education (DOE) requesting a change in the requirement regarding the height at which a stop signal arm should be located. DOE asked that the reference to the lower edge of the driver's window frame in S5.4.1(b) be deleted, stating that some school bus models are designed so that the lower edge of the driver's side window is lower than the side windows at the passenger seats. The petitioner believed that installation of the stop signal arm relative to the lower edge of the driver's window could reduce the visibility of the stop signal arm to other motorists and thus reduce the arm's effectiveness. The California DOE recommended that the reference in S5.4.1(b) be changed to the lower edge of the passenger windows.

The other petition was from Epicor Industries, a manufacturer of turn signals, hazard warnings and alternating flashers. It requested that the agency change the requirements for the flash rate for stop signal arm lights under S6.2.2 to conform with the most recent version of SAE J1054, "Warning Lamp Flashers, (October 1989). The petitioner stated that such an amendment would assure that the two lamps would flash alternately and have "on" times that meet an accepted standard and have been proven effective. The previous version of SAE J1054 (January 1977), which was used by NHTSA to develop the final requirements of S6.2.2, was determined by the SAE to be incorrectly written. Epicor also requested that Standard No. 131 be amended to include a provision requiring all replacement parts for stop signal arms to comply with the requirements of the standard similar to the provisions of S5.7 in Standard No. 108, Lamps, Reflective Devices, and Associated Equipment.

III. Agency's Review of the Petitions for Reconsideration

A. Reference Plane for Stop Signal Arm's Location

In the final rule, NHTSA specified location requirements applicable to the stop signal arm, based on the goal of standardization, the views of State school transportation personnel about effective locations for stop signal arms, typical location of these devices, and the Vehicle Safety Act's directive that the safety standards be objective. Section S5 currently specifies that school buses be equipped with at least one stop signal arm installed on the left side of the bus so that, when extended, (1) it is perpendicular to the side of the bus, plus or minus five degrees, (2) it has the top edge of the octagon parallel to and within 6 inches of a horizontal plane passing through the lower edge of the driver's window frame, and (3) its vertical centerline is at least 9 inches away from the school bus body, the agency stated that these requirements will provide uniform location specifications while providing users flexibility to install stop signal arms consistent with their experiences with these devices. The location requirements are also intended to ensure that the stop signal arms are visible to motorists trailing and approaching stopped school buses.

As mentioned above, California DOE requested that S5.4.1(b) be amended so that the reference plane passes through the lower edge of the passengers' windows instead of the lower edge of the driver's window. The petitioner believed that this change was necessary to accommodate the new practice of designing some school buses so that the driver's window is lower than the passenger's windows.

NHTSA notes that the agency's decision in the final rule to specify the lower edge of the driver's window was based on the assumption that the lower edge of the driver's window and passengers' windows were all in the same horizontal plane. While this assumption remains valid in most situations, the agency is aware that an increasing number of new school buses are being designed so that the driver's side window is lower than the passenger side windows. The agency believes that new school buses are being designed in this manner to improve school bus driver visibility of student pedestrians in front of and along side the school bus.

NHTSA has decided to amend the requirements of S5.4.1(b) to require that the top edge of the stop signal arm be aligned with the lower edge of the frame of the passenger window immediately behind the driver's window. The agency believes that specifying this window as the reference will ensure that stop signal arms are more visible to other motorists, since some school buses are designed with the bottom of the driver's window being well below that of the passenger's windows. Under the May 1991 final rule, as the lower edge of the driver's window gets closer to the ground, so does the signal stop arm, thereby reducing its visibility to other motorists, and thus its effectiveness.

The agency anticipates that this amendment will not result in any adverse impact to school bus manufacturers or users that were planning to install the stop signal arm relative to the lower edge of the driver's window. In most buses, the driver's window is on the same plane as the passenger's windows. In addition, the agency has reviewed those new bus designs with lower driver windows and believes that installing the stop signal arm relative to the lower edge of the passengers' windows will not result in any additional compliance problems for manufacturers.

B. Flash Rate

In the final rule, the agency determined that a stop signal arm must either be reflectorized or have flashing lamps to provide increased conspicuity, or both. The final rule stated that if flashing lamps are used, they must comply with the requirements for color, flash rate, and vibration, moisture, dust, corrosion, photometry, and warpage, as set forth in S6.2. The notice stated that the tests for flash rate were patterned after the tests in the Society of Automotive Engineer's (SAE's) Recommended Practice, J1054, Warning Lamp Alternating Flashers (January 1977). Specifically, S6.2.2 of the final rule states:

> The lamps on each side of the stop signal arm, when operated at the manufacturer's design loan, shall flash at a rate of 60–120 flashes per minute with a current "on" time of 50 percent.

The petition from Epicor requested that the requirements for the flash rate be patterned after the more recent SAE Recommended Practice for alternating flashers promulgated in October 1989. The October 1989 Recommended Practice cleared up technical problems caused by the existence of two SAE

Recommended Practices dealing with alternating flashing lamps—SAE J1054 and SAE J1104. While J1054 described the performance parameters for a flasher, J1104 specified how to assure that a particular flasher design conformed to the performance parameters. In October 1989, SAE revised J1054 to incorporate the pertinent features and allowable elements of both SAE Recommended Practices, thus eliminating the need for J1104. In doing so, SAE substituted the flash rate conditions of J1104 for those in J1054.

After reviewing the modified SAE Recommended Practice, NHTSA has decided to pattern S6.2.2 after the October 1989 SAE Recommended Practice, J1054. Given that the SAE has determined that the January 1977 version of J1054 is technically incorrect, the agency believes that S6.2.2 should be revised to reflect the language adopted in the October 1989 version of J1054.

C. Replacement Equipment

The final rule specified that Standard No. 131 is a vehicle standard that applies to new school buses. The Standard does not apply to stop signal arms sold in the aftermarket. Nor do the Standard's provisions apply to stop signal arm replacement parts.

Epicor requested that Standard No. 131 be amended to include a section requiring that all replacement bulbs and lenses for stop signal arms meet the requirements of the standard. It was suggested that such an amendment would parallel S5.7 of Standard No. 108, which requires replacement lights to comply with that standard. Requesting that Standard No. 131 be amended to make the replacement bulbs and lenses subject to the requirements of the standard is based on the assumption that such a requirement is necessary for safety. Specifically, the petitioner stated that the amendment would ensure that the standard is "not abused over time as worn parts and components are replaced."

In determining whether to extend Standard No. 131's requirements to aftermarket replacement parts, the agency contacted Specialty Manufacturing Company, the largest manufacturer of stop signal arms. Specialty Manufacturing explained that the bulbs installed in the flashing lamps are the same bulbs used in passenger car stop lamps. In addition, the replacements are normally bought directly from Specialty Manufacturing because the lamp lens has a unique shape and hole pattern.

NHTSA has decided not to extend Standard No. 131 to replacement parts. The agency disagrees with the petitioner's contention that inferior replacement parts will be used unless the Standard is amended. The agency notes that the only replacement bulbs available can be assumed to be in compliance with the standard's requirements for stop signal arm bulbs since those bulbs are the same as the bulbs required to comply with the requirements for passenger car replacement lamps under S5.7 of Standard No. 108. The only known source of replacement lamp lens is the original manufacturer, and the agency does not anticipate the entry of low quality replacement bulbs and lamps into the market given the low cost and low volume of this market. Accordingly, the agency has decided to deny the petitioner's request to establish performance requirements for replacement equipment.

NHTSA has determined that an immediate effective date is in the public interest. The amendments made by this notice impose no new requirements but instead either increase manufacturer flexibility or are for purposes of clarification or correction. Since the new Standard No. 131 is effective September 1, 1992, the agency has determined that it is in the public interest to have these amendments become effective at the same time. Absent these amendments, manufacturers availing themselves to this flexibility would be unable to certify that their school buses comply with Standard No. 131.

This final rule does not have any retroactive effect. Under section 103(d) of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1392(d)), whenever a Federal motor vehicle safety standard is in effect, a state may not adopt or maintain a safety standard applicable to the same aspect of performance which is not identical to the Federal standard. Section 105 of the Act (15 U.S.C. 1394) sets forth a procedure for judicial review of final rules establishing, amending or revoking Federal motor vehicle safety standards. That section does not require submission of a petition for reconsideration or other administrative proceedings before parties may file suit in court.

Rulemaking Analyses and Notices

Executive Order 12291 (Federal Regulation) and DOT Regulatory Policies and Procedures

NHTSA has analyzed this rulemaking and determined that it is neither "major" within the meaning of Executive Order 12291 nor "significant" within the meaning of the Department of Transportation's regulatory policies and procedures. The agency believes that a full regulatory evaluation is not required because the rule will have only minimal economic impacts. The first amendment will affect only a very small number of school buses. Even those school buses with driver's windows which are lower than the passengers' windows will have little or no added difficulty in complying with the modified requirement. Further, there should be no added difficulty in complying with the flash rate requirements of the amendment.

Regulatory Flexibility Act

NHTSA has considered the effects of this action under the Regulatory Flexibility Act. I hereby certify that it will not have a significant economic impact on a substantial number of small entities. School bus manufacturers are generally not small businesses within the meaning of the Regulatory Flexibility Act. Small governmental units and small organizations are generally affected by amendments to the Federal motor vehicle safety standards as purchasers of new school buses. However, any impact on small entities from this action will be minimal since the amendments make minimal changes in the final rule that will not impose additional costs. Accordingly, the agency has determined that preparation of a regulatory flexibility analysis is unnecessary.

Executive Order 12612 (Federalism)

This rulemaking has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and NHTSA has determined that it does not have sufficient federalism implications to warrant preparation of a Federalism Assessment.

National Environmental Policy Act

NHTSA has also analyzed this rulemaking action for purposes of the National Environmental Policy Act. The agency has determined that implementation of this action will not have any significant impact on the quality of the human environment.

List of Subjects in 49 CFR Part 571

Imports, Incorporation by reference, Motor vehicle safety, Motor vehicles, Rubber and rubber products, Tires.

In consideration of the foregoing, 49 CFR part 571 is amended as follows:

PART 571—[AMENDED]

1. The authority citation for part 571 of Title 49 continues to read as follows:

Authority: 15 U.S.C. 1392, 1401, 1403, 1407; delegation of authority at 49 CFR 1.50.

§ 571.131 [Amended]

2. In Section 571.131, the title of the section is revised to read as follows:

§ 571.131 Standard No. 131; School bus pedestrian safety devices.

Standard No. 131, S5.4 [Amended]

3. In Standard No. 131, S5.4 is revised to read as follows:

* * * * *

S5.4 The stop signal arm shall be installed on the left side of the bus.

S5.4.1 The stop signal arm shall be located such that, when in the extended position:

(a) The stop signal arm is perpendicular to the side of the bus, plus or minus five degrees;

(b) The top edge of the stop signal arm is parallel to and not more than 6 inches from a horizontal plane tangent to the lower edge of the frame of the passenger window immediately behind the driver's window; and

(c) The vertical centerline of the stop signal arm is not less than 9 inches away from the side of the school bus.

S5.4.2 A second stop signal arm may be installed on a school bus. That stop signal arm shall comply with S5.4 and S5.4.1.

* * * * *

Standard No. 131, S6.2.2 [Amended]

4. In Standard No. 131, S6.2.2 is revised to read as follows:

S6.2.2 *Flash Rate.* The lamps on each side of the stop signal arm, when operated at the manufacturer's design load, shall flash at a rate of 60 to 120 flashes per minute with a current "on" time of 30 to 75 percent. The total of the percent current "on" time for the two terminals shall be between 90 and 110.

Issued on: August 28, 1992.

Marion C. Blakey,

Administrator, Acting.

[FR Doc. 92-21148 Filed 9-1-92; 8:45 am]

BILLING CODE 4910-59-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 653

[Docket No. 920648-2206]

RIN 0648-AE75

Red Drum Fishery of the Gulf of Mexico

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Final rule.

SUMMARY: NMFS issues this final rule to implement Amendment 3 to the Fishery Management Plan for the Red Drum Fishery of the Gulf of Mexico (FMP). This final rule removes from the regulations the detailed procedures applicable to the Gulf of Mexico Fishery Management Council (Council) and NMFS for assessing the stock and determining the allowable biological catch (ABC) of red drum; removes from the regulations language specifying that, at such time as a catch of red drum is allowed, a person landing red drum, other than from a directed commercial fishery, must comply with the landing and possession laws of the state where landed; and makes other minor corrections and clarifications to the regulations. In addition, Amendment 3 changes the requirement that the procedure for stock assessments, panel reports, and setting ABC and total allowable catch (TAC) be commenced prior to October 1 every year to "prior to October 1 every other year or at such time as agreed upon by the Council and the Regional Director," Southeast Region, NMFS. The intended effects of this rule are to simplify the regulations by removing administrative procedures that are not applicable to the conduct of the red drum fishery; to comply with a ruling by the U.S. District Court for the District of Columbia; and to ease an unnecessarily burdensome requirement for stock assessments, panel reports, and findings regarding ABC and TAC.

EFFECTIVE DATE: October 2, 1992.

FOR FURTHER INFORMATION CONTACT: Robert A. Sadler, 813-893-3161.

SUPPLEMENTARY INFORMATION: The red drum fishery is managed under the FMP, prepared and amended by the Council, and its implementing regulations at 50 CFR part 653 under the authority of the Magnuson Fishery Conservation and Management Act (Magnuson Act).

The background and rationale for the measures in this final rule, and for the change in the procedure for stock assessments, panel reports, and setting ABC and TAC, are set forth in the preamble to the proposed rule (57 FR 26814, June 16, 1992) and in Amendment 3, the availability of which was announced (57 FR 23199, June 2, 1992), and are not repeated here.

No comments were received on the proposed rule.

Changes from the Proposed Rule

NMFS has determined that removal from the regulations of the procedures for stock assessment and analysis of the red drum resource and for revising the management measures, in their entirety, may deprive fishermen and other interested persons of necessary information regarding the possible future establishment of an allowable catch of red drum from the EEZ. Accordingly, in lieu of being removed, § 653.24 is revised to remove the detailed procedures while still apprising interested persons of the frequency of stock assessment and analysis and the general method for revising the management measures. Details of those procedures are contained in the FMP.

Classification

The Secretary determined that Amendment 3 is necessary for the conservation and management of the red drum fishery and that it is consistent with the national standards, other provisions of the Magnuson Act, and other applicable law.

The Assistant Administrator for Fisheries, NOAA (Assistant Administrator), determined that this final rule is not a "major rule" requiring the preparation of a regulatory impact analysis under Executive Order 12291.

The Council prepared a regulatory impact review (RIR) for Amendment 3, which concludes that this final rule will reduce costs.

The General Counsel of the Department of Commerce has certified to the Small Business Administration that this final rule will not have a significant economic impact on a substantial number of small entities. Accordingly, a regulatory flexibility analysis was not prepared.

The Council prepared an environmental assessment (EA) as part of Amendment 3 that discusses the impact on the environment as a result of this rule. Based on the EA, the Assistant Administrator concluded that there will be no significant impact on the human environment as a result of this rule.

The Council determined that this rule will be implemented in a manner that is consistent to the maximum extent practicable with the approved coastal zone management programs of Alabama, Florida, Louisiana, and Mississippi. Texas does not participate in the coastal zone management program. These determinations were submitted for review by the responsible state agencies under section 307 of the Coastal Zone Management Act. Louisiana agreed with the determination. Alabama, Florida, and Mississippi did not respond during the statutory time period; therefore, state agency agreement with the consistency determination is automatically inferred.

This final rule does not contain a collection-of-information requirement

for purposes of the Paperwork Reduction Act.

This final rule does not contain policies with federalism implications sufficient to warrant preparation of a federalism assessment under Executive Order 12612.

List of Subjects in 50 CFR Part 653

Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated: August 28, 1992.

William W. Fox, Jr.,

Assistant Administrator for Fisheries, National Marine Fisheries Service.

For the reasons set forth in the preamble, 50 CFR part 653 is amended as follows:

PART 653—RED DRUM FISHERY OF THE GULF OF MEXICO

1. The authority citation for part 653 continues to read as follows:

Authority: 16 U.S.C. 1801 *et seq.*

§ 653.2 [Amended]

2. In § 653.2, the definitions for *Commercial fishing (fishery)*, and *Directed commercial red drum fishing (fishery)* are removed.

§ 653.3 [Amended]

3. In § 653.3, paragraph (c) is removed.

4. In § 653.7, paragraph (d) is revised to read as follows:

§ 653.7 Prohibitions.

* * * * *

(d) Fail to release immediately with a minimum of harm a red drum caught in the EEZ; or possess a red drum in or from the EEZ, as specified in § 653.22(a).

* * * * *

§ 653.22 [Amended]

5. In § 653.22, the section heading is revised to read *Harvest and possession limitations.*

6. Section 653.24 is revised to read as follows:

§ 653.24 Adjustment of management measures.

Prior to October 1 every other year or such time as agreed upon by the Council and the Regional Director, the Science and Research Director will prepare a stock assessment and analysis of the red drum resource. Based on a stock assessment and analysis, and in accordance with the procedures specified in the FMP, the Council may establish TAC and user group allocations by amendment to the FMP.

[FR Doc. 92-21152 Filed 9-1-92; 8:45 am]

BILLING CODE 3510-22-M

50 CFR Part 661

[Docket No. 920412-2112]

Ocean Salmon Fisheries off the Coasts of Washington, Oregon, and California

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Closure.

SUMMARY: NMFS announces the closure of the commercial fishery in the exclusive economic zone (EEZ) from the U.S.-Canada border to Cape Falcon, Oregon, at 0001 hours, August 26, 1992. The Director, Northwest Region, NMFS (Regional Director), determined that the harvest guideline of 17,600 coho salmon has been reached and the fishery, which closed at midnight, August 22, 1992, should not be reopened. This action is necessary to conform to the preseason announcement of the 1992 management measures and is intended to ensure conservation of coho salmon.

DATES: Effective at 0001 hours local time, August 26, 1992. Actual notice to affected fishermen was given prior to the time the fishery was scheduled to reopen (0001 hours local time, August 26, 1992) through a special telephone hotline and U.S. Coast Guard Notice to Mariners broadcasts as provided by 50 CFR 661.23. Comments will be accepted through September 16, 1992.

ADDRESSES: Comments may be mailed to Rolland A. Schmitten, Director, Northwest Region, National Marine Fisheries Service, NOAA, 7600 Sand Point Way NE., BIN C15700-Bldg. 1, Seattle, WA 98115-0070. Information relevant to this notice has been compiled in aggregate form and is available for public review during business hours at the office of the NMFS Northwest Regional Director.

FOR FURTHER INFORMATION CONTACT: William L. Robinson at (206) 526-6140.

SUPPLEMENTARY INFORMATION: In its emergency interim rule and notice of 1992 management measures (57 FR 19388, May 6, 1992), NMFS announced that the 1992 commercial fishery between the U.S.-Canada border and Cape Falcon, Oregon, would open July 20 and continue through the earliest of August 31 or attainment of harvest guidelines of either 18,100 coho salmon or 4,400 chinook salmon. These harvest guidelines have since been revised to be 17,600 coho salmon and 9,700 chinook salmon (57 FR 36021, August 12, 1992).

The last opening of this fishery was on August 20-22, 1992, followed by a 3-day closure.

Based on the best available information on August 24, the commercial catch in the subarea from the U.S.-Canada border to Cape Falcon totaled about 18,900 coho salmon and about 8,700 chinook salmon. Unlike fisheries managed under quotas that require closure upon the projected attainment of the quota, fisheries managed under harvest guidelines do not require closure upon the projected attainment of the guideline. However, it was determined that the commercial fishery from the U.S.-Canada border to Cape Falcon, Oregon, would be managed to keep catches near the guideline levels. Therefore, the commercial fishery in this subarea, which closed at 2400 hours local time, August 22, 1992, will remain closed for the duration of its scheduled 7/20-8/31 season. Closure of this fishery is authorized by regulations at 50 CFR 661.21(b)(1)(i).

In accordance with the inseason notice procedures of 50 CFR 661.23, actual notice to fishermen of this action was given prior to 0001 hours local time, August 26, 1992, by telephone hotline number (206) 526-6667 or (800) 662-9825 and by U.S. Coast Guard Notice to Mariners broadcasts on Channel 16 VHF-FM and 2182 Khz.

The Regional Director consulted with representatives of the Pacific Fishery Management Council, the Washington, Department of Fisheries, and the Oregon Department of Fish and Wildlife regarding the closure of the commercial fishery between the U.S.-Canada border and the Cape Falcon. The states of Washington and Oregon will manage the commercial fishery in the State waters adjacent to this area of the EEZ in accordance with this Federal action. This notice does not apply to treaty Indian fisheries or to other fisheries that may be operating in other areas.

Because of the need for immediate action, the Secretary of Commerce has determined that good cause exists for this notice to be issued without affording a prior opportunity for public comment.

Classification

This action is authorized by 50 CFR 661.23 and is in compliance with Executive Order 12291.

List of Subjects in 50 CFR Part 661

Fisheries, Fishing, Indians, Reporting and recordkeeping requirements.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: August 27, 1992.

David S. Crestin,

Acting Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.

[FR Doc. 92-21131 Filed 9-1-92; 8:45 am]

BILLING CODE 3510-22-M

50 CFR Part 661

[Docket No. 920412-2112]

Ocean Salmon Fisheries Off the Coasts of Washington, Oregon, and California

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Inseason adjustment.

SUMMARY: NMFS announces that for the commercial fishery from Cape Falcon to Cascade Head, Oregon, up to 25 coho salmon may be landed before the species ratio landing restriction of at least 1 chinook salmon for every 2 coho salmon is required, and there may be no more than 1 landing per day, beginning August 22, 1992. The Director, Northwest Region, NMFS (Regional Director), has determined the landing restriction should be relaxed to provide commercial fishermen with additional opportunity to harvest coho salmon before the scheduled closure on August 31, 1992. This action is intended to maximize the harvest of coho salmon without exceeding the ocean share allocated to the commercial fishery in this subarea.

DATES: Effective at 0001 hours local time, August 22, 1992. Actual notice to affected fishermen was given prior to that time through a special telephone hotline and U.S. Coast Guard Notice to Mariners broadcasts as provided by 50 CFR 661.23. Comments will be accepted through September 16, 1992.

ADDRESSES: Comments may be mailed to Rolland A. Schmitten, Director, Northwest Region, National Marine Fisheries Service, NOAA, 7600 Sand Point Way NE., BIN C15700–Bldg. 1, Seattle, WA 98115–0070. Information relevant to this notice has been compiled in aggregate form and is available for public review during business hours at the office of the NMFS Northwest Regional Director.

FOR FURTHER INFORMATION CONTACT: William L. Robinson at (206) 526–6140.

SUPPLEMENTARY INFORMATION: In its emergency interim rule and notice of 1992 management measures (57 FR 19388, May 6, 1992), NMFS announced that the 1992 commercial fishery for all salmon species between Cape Falcon and Florence South Jetty, Oregon, would open July 22 and continue through the earliest of August 31 or attainment of either the coho salmon ceiling south of Cascade Head, Oregon, or the overall coho salmon quota south of Cape Falcon, Oregon. The coho salmon ceiling south of Cascade Head was reached and the commercial fishery from Cascade Head to the U.S.-Mexico border was closed to coho salmon fishing at midnight, August 7, 1992 (57 FR 36608, August 14, 1992). The commercial fishery in the subarea from Cape Falcon to Cascade Head has continued as scheduled for all salmon species. Preseason restrictions still in effect for the commercial fishery between Cape Falcon and Cascade Head include a species ratio landing restriction such that at least 1 chinook salmon must be landed for each 2 coho salmon landed, except that a landing of 2 coho salmon and no chinook salmon is allowed.

Based on the best available information on August 18, 1992, the commercial catch south of Cape Falcon totaled about 46,900 coho salmon through August 16, 1992. Therefore, about 10,100 fish of the overall catch quota of 57,000 coho salmon south of Cape Falcon are available for harvest by the commercial fishery between Cape Falcon and Cascade Head before its scheduled closure on August 31, 1992. Commercial fishing representatives requested additional opportunity to harvest the remaining coho salmon while extending the season for all salmon species for as long as possible through August 31, 1992. Therefore, the commercial fishery in the subarea from Cape Falcon to Cascade Head is modified to allow up to 25 coho salmon to be landed before the species ratio landing restriction of at least 1 chinook salmon being landed for each 2 coho salmon landed is required, and there may be no more than 1 landing per day. Modification of limited retention regulations is authorized by regulations at 50 CFR 661.21(b)(1)(ii).

In accordance with the inseason notice procedures of 50 CFR 661.23, actual notice to fishermen of this action was given prior to 0001 hours local time, August 22, 1992, by telephone hotline number (206) 526–6667 or (800) 662-9825 and by U.S. Coast Guard Notice to Mariners broadcasts on Channel 16 VHF–FM and 2182 KHz.

The Regional Director consulted with representatives of the Pacific Fishery Management Council and the Oregon Department of Fish and Wildlife regarding the adjustment affecting the commercial fishery between Cape Falcon and Cascade Head. The State of Oregon will manage the commercial fishery in State waters adjacent to this area of the exclusive economic zone in accordance with this Federal action. This notice does not apply to other fisheries that may be operating in other areas.

Because of the need for immediate action, the Secretary of Commerce has determined that good cause exists for this notice to be issued without affording a prior opportunity for public comment.

Classification

This action is authorized by 50 CFR 661.23 and is in compliance with Executive Order 12291.

List of Subjects in 50 CFR Part 661

Fisheries, Fishing, Indians, Reporting and recordkeeping requirements.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: August 27, 1992.

David S. Crestin,

Acting Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.

[FR Doc. 92-21078 Filed 9-1-92; 8:45 am]

BILLING CODE 3510-22-M

50 CFR Part 663

[Docket No. 920400-2100]

Pacific Coast Groundfish Fishery

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Release of reserve.

SUMMARY: NMFS announces the release of the 30,000-mt reserve of Pacific whiting for at-sea processing in the Pacific coast groundfish fishery off Washington, Oregon, and California. This action is intended to provide for full utilization of the Pacific whiting resource by U.S. fishermen and processors.

DATES: Effective from 0001 hours (local time) September 4, 1992, until modified, superseded, or rescinded.

FOR FURTHER INFORMATION CONTACT: William L. Robinson at (206) 526–6140; or Rodney McInnis at (310) 980–4040.

SUPPLEMENTARY INFORMATION: The emergency interim rule allocating the 1992 Pacific whiting resources at 50 CFR 663.23(b)(5) (57 FR 13661, April 17, 1992, extended at 57 FR 32181, July 21, 1992) initially limited the amount of the 1992 Pacific whiting (whiting) harvest guideline of 208,800 metric tons (mt) that could be processed at sea in the exclusive economic zone to 98,800 mt, with 80,000 mt set aside for shoreside processing and the remaining 30,000 mt

set aside as a reserve. The rule states that the 30,000-mt reserve first is available for shoreside processing needs without additional announcement in the **Federal Register**. However, the reserve will be made available to at-sea processors on September 1, 1992, or as soon as practicable thereafter, if the shoreside processors have not processed at least 48,000 mt (60% of their initial allocation) by September 1, 1992.

During the 21-day period between April 15 and May 6, 1992, 98,979 mt of whiting were processed at sea. Further at-sea processing was prohibited on May 6, 1992 (57 FR 21041, May 18, 1992).

The best available information on August 3, 1992, indicates that approximately 21,000 mt of whiting has been processed shoreside through July 25, 1992. During recent weeks shoreside landings have averaged about 2,000 mt per week. Although shoreside landings may increase somewhat over the next few weeks, there is no information to indicate that they would reach the 5,300-mt average weekly landing needed to exceed 48,000 mt by September 1, 1992. Consequently, the Northwest Regional Director, NMFS, has determined that shoreside processing will not exceed 48,000 mt by September 1 and the entire 30,000-mt reserve should be made available for at-sea processing. Since the at-sea processors exceeded their initial limit of 98,800 mt by 179 mt, the overage of 179 mt is deducted from the reserve, consistent with 50 CFR 663.23(b)(5)(iii). Therefore, only 29,821 mt of whiting is available for at-sea processing at this time. As a result, the amount of whiting that has so far been made available for at-sea processing in 1992 is increased to 128,800 mt, including any whiting processed at-sea that are incidentally caught by vessels fishing for other species.

Because the 29,821 mt reserve remainder may be harvested in a matter of several days, the reserve release is delayed from September 1 until September 4 (the next earliest practicable date) in order to allow for timeliness in closing the fishery and thereby avoiding the need for a closure during the 3-day Labor Day weekend. The Regional Director will again assess the amounts of whiting processed shoreside again on October 1, 1992, and may make further adjustments.

When the additional 29,821 mt of whiting made available for at-sea processing has been taken, further at-sea processing in the fishery management area will be prohibited. Consistent with 50 CFR 663.23(b)(5)(vii), any prohibitions or adjustments may be made effective immediately by actual notice to fishermen and processors (by phone, fax, Northwest Region computerized bulletin board (contact 206–526–6128), letter, press release, and/or U.S. Coast Guard Notice to Mariners (monitor channel 16 VHF)), followed by publication in the **Federal Register**.

Secretarial Action

For the reasons stated above, the Secretary announces that, at 0001 hours (local time) September 4, 1992, the remainder of the 30,000-mt reserve of Pacific whiting, totaling 29,821 mt, is released available for at-sea processing in 1992.

Classification

This action is taken under the authority of, and in accordance with 50 CFR 663.23(b)(5) (iii) (v), and (vii). The determination to release the reserve of whiting for at-sea processing of Pacific whiting is based on the most recent data available. The aggregate data upon which the determination is based are available for public inspection at the Office of the Director, Northwest Region (see **ADDRESSES**) during business hours until September 16, 1992.

This action implements the emergency rule for the 1992 allocation of Pacific whiting (57 FR 13661), extended at 57 FR 32181, is taken under the authority of 50 CFR 663.23(b)(5), and is exempt from the normal review procedures of Executive Order 12291.

List of Subjects in 50 CFR Part 663

Administrative practice and procedure, Fisheries, Fishing, and Recordkeeping and reporting requirements.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: August 27, 1992.

David S. Crestin,

Acting Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.

[FR Doc. 92–21132 Filed 9–1–92; 8:45 am]

BILLING CODE 3510–22–M

National Oceanic and Atmospheric Administration

50 CFR Part 672

[Docket No. 911176–2018]

Groundfish of the Gulf of Alaska

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Prohibition of retention.

SUMMARY: NMFS is prohibiting further retention of Pacific ocean perch (POP) by all gear types in the Western Regulatory Area of the Gulf of Alaska (GOA) and is requiring that incidental catches of POP be treated in the same manner as prohibited species and discarded at sea with a minimum of injury. This action is necessary because the overfishing level for POP in the GOA has been reached.

EFFECTIVE DATES: Effective 12 noon, Alaska local time (A.l.t.), August 28, 1992, through 12 midnight A.l.t., December 31, 1992.

FOR FURTHER INFORMATION CONTACT: David R. Cormany, Resource Management Specialist, Fisheries Management Division, NMFS, 907/586–7228.

SUPPLEMENTARY INFORMATION: The groundfish fishery in the exclusive economic zone with the GOA is managed by the Secretary of Commerce according to the Fishery Management Plan for the Groundfish of the GOA (FMP) prepared by the North Pacific Fishery Management Council (Council) under authority of the Magnuson Fishery Conservation and Management Act. Fishing by U.S. vessels is governed by regulations implementing the FMP at 50 CFR parts 620 and 672.

Overfishing is defined at § 602.11(c)(1) to be a level or rate of fishing mortality that jeopardizes the long-term capacity of a stock or stock complex to produce its maximum sustainable yield on a continuing basis. The 1992 overfishing level for POP in the GOA was established by the final notice of specifications (57 FR 2844, January 24, 1992) to be equal to the acceptable biological catch (ABC) amount of 5,730 metric tons (mt), as determined and recommended by the Scientific and Statistical Committee of the Council. The ABC was apportioned among the GOA regulatory areas as follows: Western—1,620 mt, Central—1,720 mt, and Eastern—2,390.

Because the sum of ABC amounts equaled the amount defined by the FMP as the overfishing level, the Council advisory panel recommendations for total allowable catch (TAC) amounts were established for each of the GOA regulatory areas as follows: Western—1,470 mt, Central—1,561 mt, and Eastern—2,169.

The TAC amounts of the POP in the Eastern and Central Regulatory Areas of the GOA have already been reached and retention of POP is currently prohibited in these areas by previous closures actions (57 FR 34884, August 7, 1992 and 57 FR 18834, May 1, 1992, respectively). Until the effective date of this closure action, amounts of POP can still be retained as incidental bycatch to directed fishing in the Western GOA.

The 1992 current total harvest of POP in the GOA is 5,769 mt.

The Director of the Alaska Region, NMFS, has determined, in accordance with § 672.20(c)(4), that the overfishing level for POP in the GOA has been reached. Any further harvest of bycatch amounts of POP would result in overfishing. Consequently, under § 672.20(c)(4), NMFS is prohibiting retention of POP in the Western GOA effective from 12 noon, A.l.t., August 28, 1992, through 12 midnight, A.l.t., December 31, 1992.

Classification

This action is taken under 50 CFR 672.20 and is in compliance with E.O. 12291.

List of Subjects in 50 CFR Part 672

Fisheries, Reporting and recordkeeping requirements.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: August 28, 1992.

David S. Crestin,

Acting Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.

[FR Doc. 92-21116 Filed 8-28-92; 2:23 pm]

BILLING CODE 3510-22-M

Proposed Rules

Federal Register
Vol. 57, No. 171
Wednesday, September 2, 1992

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Part 75

[Docket No. 92-015-1]

Equine Infectious Anemia (Swamp Fever); Change in Official Test

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: We propose to amend the regulations on communicable diseases in horses, asses, ponies, mules, and zebras to allow the use of additional tests as official tests for the laboratory diagnosis of equine infectious anemia (EIA), also known as swamp fever. Such equines that are found to be infected with EIA based on the results of an official test may be moved interstate only under certain conditions, to prevent the interstate spread of this disease. This change will make new test technology available to the industry.

DATES: Consideration will be given only to comments received on or before October 2, 1992.

ADDRESSES: Please send an original and three copies of your comments to Chief, Regulatory Analysis and Development, PPD, APHIS, USDA, room 804, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782. Please state that your comments refer to Docket No. 92-015-1. Comments received may be inspected at USDA, room 1141, South Building, 14th Street and Independence Avenue, SW., Washington, DC between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays.

FOR FURTHER INFORMATION CONTACT: Dr. Manuel A. Thomas, Jr., Senior Staff Veterinarian, Sheep, Goat, Equine, and Poultry Diseases Staff, VS, APHIS, USDA, room 701, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, (301) 436-6954.

SUPPLEMENTARY INFORMATION:

Background

The Communicable Diseases regulations, contained in 9 CFR part 75 (referred to below as the regulations), among other things, govern the interstate movement of certain equines (horses, asses, ponies, mules, and zebras) that are subjected to an official test for equine infectious anemia (EIA) and found positive. A viral disease of equines, EIA, also known as swamp fever, is characterized by sudden fever, swelling, and anemia.

Currently, § 75.4 (a) of the regulations provides that either the Agar gel immunodiffusion (AGID) test or the Competitive Enzyme-Linked Immunosorbent Assay (C ELISA) test, when conducted in a laboratory approved by the Administrator, may be used as the official test for determining whether equine are affected with EIA. We propose to amend the regulations to allow the use of other products for the laboratory diagnosis of EIA that may be licensed by the Secretary of Agriculture under the Virus-Serum-Toxin Act of March 4, 1913, and subsequent amendments (21 U.S.C. 151 *et seq.*) for use under 9 CFR part 75.

At one time, the AGID and C ELISA tests were the only permitted tests for the laboratory diagnosis of EIA. Further, the C ELISA test was the only type of ELISA test available for the laboratory diagnosis of EIA. Many technical advances have been made in the test kit industry, resulting in the development of new tests for the laboratory diagnosis of EIA. We believe our regulations need to be changed to allow persons affected by our regulations to take advantage of the new technology.

Therefore, we are proposing to amend the definition of "official test" in § 75.4(a) to allow use of any test for the laboratory diagnosis of EIA that utilizes a diagnostic product that is: (1) Produced under license from the Secretary of Agriculture, and found to be efficacious for that diagnosis, under the Virus-Serum-Toxin Act of March 4, 1913, and subsequent amendments (21 U.S.C. 151 *et seq.*); and (2) conducted in a laboratory approved by the Administrator.

The criteria for approval of laboratories to conduct official tests, as well as information on where to obtain the names and addresses of approved laboratories, are contained in § 75.4(c)(1).

We believe that the change we are proposing would relieve unnecessary restrictions and would encourage the development of other tests for the diagnosis of EIA.

Executive Order 12291 and Regulatory Flexibility Act

We are issuing this proposed rule in conformance with Executive Order 12291, and we have determined that it is not a "major rule." Based on information compiled by the Department, we have determined that his proposed rule would have an effect on the economy of less than $100 million; would not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and would not cause a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United Sates-based enterprises to compete with foreign-based enterprises in domestic or export markets.

This proposed rule, if adopted, would allow the use of additional tests for the laboratory diagnosis of EIA. Estimates of the U.S. equine population vary from 5.25 million to 6.6 million. Equine owners have suffered losses due to domestic and foreign infectious diseases. The use of diagnostic tests has substantially cut losses that result from the commingling of infected animals with healthy ones. Such has been the case with the AGID and C ELISA tests for EIA. In fiscal year 1991, 993,712 tests for EIA were conducted resulting in the identification of 2,755 reactors. Compared to 9,089 reactors out of 354,412 tests for EIA conducted in 1974,[1] it is clear that the incidence of EIA has declined. Between the two periods, the probability of infection with EIA decreased from 2.56 percent to 0.277 percent. Losses attributed to EIA declined from approximately $271 million to $21 million (in 1990 dollars).

Allowing other tests to be designated as official tests may not result in such a dramatic decline in losses because the present base of infected animals is smaller when compared with previous years. However, the newly-developed tests would likely continue the decline

[1] The first year of test reporting in the United States after the availability in the early seventies of the first test for diagnosing EIA.

in EIA incidence and could inject competition in the EIA test market. The opportunity to develop, obtain a license for, and market a new product for the laboratory diagnosis of EIA could provide a small company the means by which to enter this industry and realize a modest economic benefit. Of the dozen or so companies that manufacture veterinary diagnostic products, we are aware of only two that currently market the AGID and C ELISA tests for EIA. Neither of these companies is considered a small entity.

For these two large firms, marketing products for the laboratory diagnosis of EIA is a small fraction of their total business. Further, these sales represent a niche within a small part of a very large industry. According to USDA records, approximately 1 million tests for the laboratory diagnosis of EIA were produced in the United States in 1991. These records also indicate that during the same time period, approximately 54 million veterinary diagnostic tests were produced. Thus, the production of tests for the laboratory diagnosis of EIA equals approximately 2.0 percent of the total production of the U.S. veterinary diagnostic products.

Any increase in the production of products for the laboratory diagnosis of EIA would likely remain insignificant when compared with the total production of veterinary diagnostic products; however, increased competition could dramatically affect the test turn-around time by making available certain tests that may be less labor intensive. Additionally, designating other qualified tests as official tests would likely encourage entrepreneurs and scientists to engineer new and more powerful procedures and technology that would foster economic growth. Ultimately, costs for testing could be lowered for equine owners.

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this action would not have a significant economic impact on a substantial number of small entities.

Executive Order 12372

This program/activity is listed in the Catalog of Federal Domestic Assistance under No. 10.025 and is subject to the Executive Order 12372, which requires intergovernmental consultation with State and local officials. [See 7 CFR part 3015, subpart V.]

Executive Order 12778

This proposed rule has been reviewed under Executive Order 12778, Civil Justice Reform. If this proposed rule is adopted: (1) All State and local laws and regulations that are in conflict with this rule will be preempted; (2) not retroactive effect will be given to this rule; and (3) administrative proceedings will not be required before parties may file suit in court challenging this rule.

Paperwork Reduction Act

This proposed rule contains no new information collection or recordkeeping requirements under the Paperwork Reduction Act of 1980 [44 U.S.C. 3501 *et seq.*].

List of Subjects in 9 CFR Part 75

Animal diseases, Horses, Quarantine, Reporting and recordkeeping requirements, Transportation.

Accordingly, 9 CFR part 75 would be amended as follows:

PART 75—COMMUNICABLE DISEASES IN HORSES, ASSES, PONIES, MULES, AND ZEBRAS

1. The authority citation for part 75 would continue to read as follows:

Authority: 21 U.S.C. 111–113, 115, 117, 120, 121, 123–126, 134–134h; 7 CFR 2.17, 2.51, and 371.2[d].

In § 75.4, paragraph [a], the definition of "Official test" would be revised to read as follows:

§ 75.4 Interstate movement of equine infectious anemia reactors and approval of laboratories, diagnostic facilities, research facilities, and stockyards.

(a) * * *

* * * * *

Official test. Any test for the laboratory diagnosis of equine infectious anemia that utilizes a diagnostic product that is: (1) Produced under license from the Secretary of Agriculture, and found to be efficacious for that diagnosis, under the Virus-Serum-Toxin Act of March 4, 1913, and subsequent amendments [21 U.S.C. 151 *et seq.*]; and (2) conducted in a laboratory approved by the Administrator.

* * * * *

Done in Washington, DC, this 27th day of August 1992.

Robert Melland,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 92-21063 Filed 9-1-92; 8:45 am]

BILLING CODE 3410-34-M

DEPARTMENT OF THE TREASURY

Office of Thrift Supervision

12 CFR Part 563

[No. 92-192]

RIN 1550-AA51

Qualified Thrift Lender Test

AGENCY: Office of Thrift Supervision, Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Office of Thrift Supervision (OTS) proposes to revise its qualified thrift lender (QTL) regulations to implement amendments made by the Qualified Thrift Lender Reform Act of 1991 (QTL Reform Act), subtitle G of the Federal Deposit Insurance Corporation Improvement Act of 1991 (FDICIA).

Effective December 19, 1991, the QTL Reform Act amended section 10(m) of the Home Owners' Loan Act (HOLA) by lowering the required QTL percentage of housing-related investments from 70% to 65% of a thrift's portfolio assets; changing the computation period; increasing the amount of regulatory liquidity excludable from portfolio assets; authorizing certain shares of the stock of certain government sponsored enterprises to be included in the computation of qualified thrift investments; and increasing certain percentages in the computation of qualified thrift investments. The intended effect of these regulations is to lower the actual thrift investment percentage (ATIP) of housing-related investments.

DATES: Comments must be received on or before October 2, 1992.

ADDRESSES: Send comments to Director, Information Services Division, Public Affairs, Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552, Attention Docket No. 92-192. These submissions may be hand delivered to 1700 G Street NW. from 9 a.m. to 5 p.m. on business days; they may be sent by facsimile transmission to FAX Number [202] 906-7753 or [202] 906-7755. Submissions must be received by 5 p.m. on the day they are due in order to be considered by the OTS. Late-filed, misaddressed or misidentified submissions will not be considered in this rulemaking. Comments will be available for inspection at 1776 G Street, NW., Street Level.

FOR FURTHER INFORMATION CONTACT: Robyn Dennis, Program Manager, Policy, [202] 906-5751; Dorene Cadoff, Attorney, [202] 906-7268; Valerie Lithotomos, Counsel [Banking and Finance], [202]

906–6439 Regulations, Legislation, and Opinions Division, Chief Counsel's Office; Office of Thrift Supervision, 1700 G Street NW., Washington, DC 20552.

SUPPLEMENTARY INFORMATION:

I. Introduction

The OTS is today proposing to amend its QTL regulations to implement statutory changes effected by subtitle G of the Federal Deposit Insurance Corporation Improvement Act of 1991 (FDICIA), Public Law 102–242, 105 Stat. 2236 (1991), also referred to as the "QTL Reform Act." The QTL Reform Act modifies the QTL test that was first enacted in the Competitive Equality Banking Act of 1987, Public Law 100–86, 101 Stat. 552 (CEBA), and was later amended in the Financial Institutions Reform, Recovery, and Enforcement Act of 1989, Public Law 101–73, 103 Stat. 183 (FIRREA). Savings associations that fail to satisfy the QTL test by not holding the required percentage of housing-related investments are subject to various penalties, including limitations on the types of activities they may conduct, restrictions on their Federal Home Loan Bank advances, and loss by the savings association's holding company of the activities flexibility it enjoyed as a thrift holding company.

The QTL Reform Act amends the QTL test by lowering the actual thrift investment percentage (ATIP) of housing-related investments a thrift must hold from 70 percent to 65 percent. The ATIP is a ratio whose numerator is housing-related investments (called "qualified thrift investments" or "QTI") and whose denominator is "portfolio assets." The term portfolio assets is statutorily defined to mean a savings association's total assets less goodwill and other intangibles, the thrift's business property, and a limited amount of liquid assets.

The QTL Reform Act also redefines the computation period over which a thrift's ATIP is measured; the ATIP is now measured on a monthly average basis in 9 out of every 12 months. FIRREA had previously required savings associations to maintain daily or weekly averages of their QTI and portfolio assets over a two-year period.

Shares of stock issued by any Federal Home Loan Bank are now includable as QTI. Shares of stock issued by the Federal Home Loan Mortgage Corporation (FHLMC) and the Federal National Mortgage Association (FNMA) also are now includable as QTI in an amount not to exceed 20 percent of the association's portfolio assets.

Finally, the QTL Reform Act increases the amount of regulatory liquidity excludable from portfolio assets from 10 percent to 20 percent of the savings association's total assets; the 15 percent QTI "basket" [1] is increased to 20 percent; and the 5 percent consumer loan "basket" for personal, family, household, or educational purposes is increased to 10 percent.

In short, under the revised QTL test, an association's QTI must equal 65 percent of its "portfolio assets," which excludes goodwill, other intangibles, liquid assets (up to 20 percent) and the association's premises and equipment. Within the 65 percent requirement, the association may hold a variety of non-mortgage assets up to a limit of 20 percent of portfolio assets, such as consumer loans, FNMA and FHLMC stock, and certain community service facilities. The net effect of these changes is that the QTL test no longer requires a heavy concentration, and potentially unsafe and unsound portion, of an association's assets in home mortgage loans.

The QTL Reform Act took effect upon the enactment of FDICIA on December 19, 1991. Thus, these statutory changes supersede any inconsistent provisions in OTS's current QTL regulation. Where the statutory amendments do not affect the current regulatory provisions, however, those provisions remain in effect. For ease of administration, as well as easing the recordkeeping burden on savings associations, OTS is proposing that the QTL measuring period commence as of January 1, 1992, the beginning of the first month following FDICIA's enactment.

II. Description of the Proposal

A. The New QTL Ratio and Computation Period

The QTL Reform Act decreases the ATIP from 70 percent to 65 percent, as measured by a monthly average, for a 9 out of 12 month period, rather than a daily or weekly average over each 104-week period. The OTS proposes that this 9 out of 12 month period be a "rolling" period, instead of a static 3 out of 4 annual quarters measurement. Application of this "rolling" measuring period would mean that a savings association that is not subject to QTL penalties on the effective date of this rule would become and remain a qualified thrift lender so long as it does not fail the new QTL test for more than 3 months out of the previous 12 month period. Thus, if the "rolling"' measuring period begins January 1, 1992, as proposed, the first time that a savings association could fail the test is April 30, 1992, the end of the first four moths of 1992. The QTS specifically requests comment on whether to adopt this "rolling" measuring period rather than a static measuring period.

Under today's proposal, both the initial and continuing QTL percentage requirement would decrease to 65 percent. The requalification period would be amended to the 9 out of the 12 month measuring period. The QTL Reform Act did not amend the QTL requalification provision, 12 U.S.C. 1467a(m)(3)(D), added in FIRREA, to conform to the newly enacted 9 out of 12 months computation period, nor did it amend the FIRREA provision requiring thrifts to initially "equal or exceed 70 percent" in order to become a qualified thrift lender, 12 U.S.C. 1467a(m)(1)(A). The OTS believes that the changes contained in the proposed rule are necessary for the QTL Reform Act amendments to be logical and consistent with the QTL test as a whole, in accordance with Congressional intent. This intent is demonstrated in the QTL Reform's Act's legislative history by the explanation given by the sponsor of the bill that eventually became the QTL Reform Act.[2] The amendments proposed today rely on this guidance to resolve otherwise inconsistent provisions in the statutory text as amended.

The QTL Reform Act took effect on December 19, 1991. The OTS proposes to begin the new 12 month QTL measuring period at the beginning of the first month following enactment, on January 1, 1992, for reasons of administrative convenience from both a regulatory and recordkeeping perspective. Savings associations would not be required to have met the 65 percent QTL test immediately as of January 1, 1992. Under the proposed, "rolling" 9 out of 12 month measuring period, savings associations could first fail in the fourth month of the measuring period, or on April 30, 1992. Savings associations that were not subject to QTL penalties prior to July 1, 1991 would continue to hold their QTL status and could not fail before April 30, 1992. Because the changes made by the QTL Reform Act were effective upon enactment and enhance rather than restrict the ability of thrifts to meet the QTL test, the OTS believes it is appropriate to begin calculating compliance with the new test before its implementing rule is finalized. The OTS notes that even if it determined in the

[1] Savings associations were permitted to include as QTI certain specified assets in an aggregate amount not to exceed 15 percent of an association's portfolio assets. This amount has commonly been referred to as the 15 percent basket.

[2] 137 Cong. Rec. E4235 (daily ed. December 18, 1991) (statement of Rep. Baker).

final rule to use a static, 3 out of 4 quarters period for measuring compliance, rather than a "rolling" measuring period, as proposed, the first date at which an association could fail the test is the same under either approach—April 30, 1992.

B. Increase in the Amount of Liquid Assets Excludable From Portfolio Assets

New section 10(m)(4)(B)(iii) of the HOLA increases the amount of regulatory liquidity excludable from portfolio assets from 10 percent to 20 percent of the savings association's total assets. The OTS proposes to amend its rule accordingly.

C. Qualified Thrift Investments

The QTL Reform Act increased the former 15 percent basket to 20 percent for certain assets, including investments in some service corporations, starter homes, and loans to credit-needy areas. The proposed rule would increase the percentage accordingly.

The QTL Reform Act expands the definition of qualified thrift investments at section 10(m)(4)(C)(ii) of the HOLA to include, without limitation, shares of stock issued by any Federal Home Loan Bank. It adds the shares of stock issued by the Federal Home Loan Mortgage Corporation and the Federal National Mortgage Association to the new 20 percent QTL basket. The OTS proposes to amend its rules accordingly.

Before FDICIA, HOLA section 10(m)(C)(iii)(VI) required the dollar amount of consumer loans for personal, family, household, or educational purposes not exceed an amount equal to 5 percent of the savings association's portfolio assets. The QTL Reform Act increases this amount from 5 percent to 10 percent. OTS proposes to amend its rules accordingly.

D. De Novo Institutions

OTS's current QTL rule for *de novo* savings associations uses the FIRREA 104-week QTL measuring cycle. The OTS proposes to amend its rule to conform the cycle to the new statutory 9 out of 12 month measuring period. The proposed rule also clarifies that the measuring period begins the quarter following the date on which a savings association's charter was granted.

E. Certifying QTL Failure

When a savings association determines that it has failed the 9 out of 12 month QTL test, it must certify that failure to its Regional Director. The certification is separate from the required reporting of its QTL levels on the Thrift Financial Report (TFR), discussed in Section H, below.

F. Deletion of Appendix A

The proposed rule removes appendix A to the QTL regulations. The information and guidance contained therein will be incorporated into the OTS Thrift Activities Handbook, which is provided to all thrifts.

G. Consumer Lending by Federal Savings Associations

The QTL Reform Act also increased federal savings associations' consumer lending authority from 30 percent to 35 percent of assets, subject to some limitations. No regulatory change is necessary to implement this statutory authority.

H. Changes to the Thrift Financial Report [3]

The statutory modifications to the QTL provisions require OTS to modify the TFR to reflect, for example, the change from daily or weekly to monthly averaging. Significant "lead time" is necessary to effect these changes. Therefore, for June, 1992, thrifts will be unable to report QTL month-end figures in the quarterly TFR. However, beginning with the September, 1992 TFR, and thereafter, the quarterly TFR will contain 3 lines for monthly ATIP figures. Thrifts' calculations of QTL compliance over the relevant 12 month measuring period will be confirmed during the course of supervisory examinations.

I. Solicitation of Comments

The OTS solicits comment on all aspects of this proposed regulation. The OTS is providing a 30-day comment period in order to expedite adoption of final regulations.

Regulatory Flexibility Act

Pursuant to section 605(b) of the Regulatory Flexibility Act, the OTS certifies that this proposal will not have a significant economic on a substantial number of small entities.

Executive Order 12291

The Director of the OTS has determined that this proposal does not constitute a "major rule"; therefore, a regulatory impact analysis is not required.

List of Subjects in 12 CFR Part 563

Accounting, Advertising, Crime, Currency, Flood insurance, Investments, Reporting and recordkeeping requirements, Savings associations, Securities, Surety bonds.

Accordingly, the Office of Thrift Supervision hereby proposes to amend part 563, chapter V, title 12, Code of Federal Regulations as set forth below:

SUBCHAPTER D—REGULATIONS APPLICANCE TO ALL SAVINGS ASSOCIATIONS

PART 563—OPERATIONS

1. The authority citation for part 563 continues to read as follows:

Authority: 12 U.S.C. 1462, 1462a, 1463, 1464, 1467(a), 1468, 1828, 3806; 42 U.S.C. 4106.

SUBPART B—OPERATION AND STRUCTURE

2. Section 563.50 is amended by revising paragraphs (a), (b), (d), (e), and the introductory text of paragraph (g)(2) to read as follows:

§ 563.50 Qualified thrift lender status.

(a) As of January 1, 1992, a savings association that was not subject to penalties for failure to maintain qualified thrift lender (QTL) status as of June 30, 1991, as determined under regulations in this chapter in effect on that date, shall be deemed to be a qualified thrift lender. The savings association shall continue to be a qualified thrift lender so long as the association's actual thrift investment percentage (ATIP) in at least nine months out of each twelve month period thereafter continues to equal or exceed 65 percent. For purposes of this paragraph, the savings association's compliance with the QTL test for the immediately preceding 12 month period shall be calculated at the end of each month.

(b) (1) Beginning January 1, 1992, until December 31, 1992, a savings association shall cease to be a qualified thrift lender when its ATIP as measured by monthly averages over the period beginning January 1, 1992 falls below 65 percent for four or more of such months.

(2) Beginning January 1, 1993, a savings association shall cease to be a qualified thrift lender when its ATIP as measured by monthly averages over the immediately preceding twelve month period falls below 65 percent for four or more of such months.

(3) Upon ceasing to be a qualified thrift lender pursuant to this paragraph, a savings association shall promptly certify its QTL failure to its Regional Director.

* * * * *

(d) *De Novo savings associations.* For purposes of paragraph (a) of this section,

[3] The TFR is a periodic report authorized pursuant to 12 CFR 563.180, which requires savings associations to provide periodic or other reports in a manner prescribed by the OTS.

a *de novo* association shall begin its twelve month QTL measuring cycle, maintaining monthly averages of its qualified thrift investments and portfolio assets, at the beginning of the quarter following the date on which its chapter was granted.

(e) *Requalification.* A savings association may requalify as a qualified thrift lender only once by meeting and maintaining an ATIP, as measured by monthly averages for nine of twelve months over a twelve month period, greater than or equal to 65 percent.

* * * * *

(g) *Special phase-in for certain Federal savings associations.* * * *

(2) After calculating the difference between the savings association's actual thrift investment on August 9, 1989, and 65 percent, the savings association must increase its ATIP in 25 percent increments as set forth in the following schedule until full compliance is achieved on October 1, 1995:

* * * * *

3. Section 563.51 is amended by revising paragraph (e), redesignating paragraph (f)(1)(vi) as paragraph (f)(1)(vii) and revising it, adding new paragraphs (f)(1)(vi) and (f)(1)(vii)(G), removing the word "and" at the end of paragraph (f)(1)(vii)(E) and revising paragraph (f)(1)(vii)(F) to read as follows:

§ 563.51 Definitions.

* * * * *

(e) *Portfolio assets* means the total assets of the savings association minus the sum of: Goodwill and other intangible assets (as defined in 12 CFR 567.1(m)); the value of property used by the association to conduct its business; and the association's liquid assets of the type maintained pursuant to section 6 of the Home Owner's Loan Act, in an amount not exceeding 20 percent of the savings association's total assets.

(f)(1) * * *

(vi) Shares of stock issued by any Federal Home Loan Bank; and

(vii) An aggregate amount, not to exceed 20 percent of such association's portfolio assets, of the following assets:

* * * * *

(F) Loans of personal, family, household, or education purposes, provided that the dollar amount treated as QTI under this subsection may not exceed 10 percent of the savings association's portfolio assets; and

(G) Shares of stock issued by the Federal Home Loan Mortgage Corporation and the Federal National Mortgage Association.

* * * * *

4. Appendix A to sections 563.50, 563.51, and 563.52 is removed.

Dated: May 11, 1992.

By the Office of Thrift Supervision.

Timothy Ryan,

Director.

[FR Doc. 92-21083 Filed 9-1-92; 8:45 am]

BILLING CODE 6720-01-M

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12 CFR Part 567

[No. 90-332]

RIN 1550-AA58

Risk-Based Capital: Multifamily Housing Loans

AGENCY: Office of Thrift Supervision, Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Office of Thrift Supervision (OTS) proposes to amend its risk-based capital regulations as part of an inter-agency initiative to implement the provisions of section 618(b) of the Resolution Trust Corporation Refinancing, Restructuring, and Improvement Act of 1991 (RTCRRIA). The RTCRRIA provides that first liens of multifamily residential properties meeting certain prudential criteria and securities collateralized by such loans qualify for the 50 percent risk-weight category. Under OTS's existing risk-based capital regulations, multifamily mortgage loans satisfying certain criteria are assigned to the 50 percent risk-weight category.

Today's proposal would amend the definition of "qualifying multifamily mortgage loan" in the risk-based capital regulations to incorporate the criteria set forth in section 618(b)(1) of RTCRRIA. These criteria include the ratio of the property's annual net operating income to required debt service, the loan's maximum amortization and minimum maturity, demonstrated timely payment performance on the loan, the property's average annual occupancy rate, and the loan's conformity with applicable lending limits and other prudent underwriting standards. The OTS's proposed rule parallels the proposal of the other banking agencies.

This proposed rule would also expand the category of privately-issued mortgage-backed securities (MBSs) that qualify for inclusion in the 50 percent risk-weight category to include MBSs that at the time of origination are collateralized by qualifying multifamily mortgage loans (*e.g.*, loans that have performed in accordance with their terms for at least one year.)

DATES: Comments must be received on or before October 2, 1992.

ADDRESSES: Send comments to Director, Information Services, Public Affairs, Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552, Attention Docket No. 92-332. These submissions may be hand delivered at 1700 G Street, NW. from 9 a.m. to 5 p.m. on business days; they may be sent by facsimile transmission to FAX Number (202) 906-7753 or (202) 906-7755. Submissions must be received by 5 p.m. on the day they are due in order to be considered by the OTS. Late-filed, misaddressed or misidentified submissions will not be considered in this rulemaking. Comments will be available for public inspection at 1776 G Street, NW., Street Level.

FOR FURTHER INFORMATION CONTACT: John Connolly, Program Manager for Capital Policy, (202) 906-6465; Dorene Rosenthal, Attorney, (202) 906-7268, Regulations, Legislation and Opinions Division; Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552.

SUPPLEMENTARY INFORMATION:

I. Introduction

The Home Owners' Loan Act and the OTS's implementing regulations impose three capital requirements on savings associations: A tangible, a leverage and a risk-based requirement. (12 CFR part 567) The risk-based requirement is based on the credit-risk profiles of savings associations.

RTCRRIA, enacted on December 12, 1991, contains provisions relating to the capital treatment of multifamily mortgage loans and securities collateralized by such loans. Specifically, section 618(b)(1) of RTCRRIA requires the federal banking agencies, including OTS, to amend their risk-based capital regulations to place certain loans secured by multifamily residential properties and securities collateralized by such loans in the 50 percent risk-weight category under the agencies' risk-based capital regulations.

Under section 618(b)(1), a multifamily mortgage loan must meet the following criteria in order to qualify for a 50 percent risk-weight category: (1) The loan must be secured by a first lien on a residence consisting of 5 or more dwelling units; (2) if the rate of interest does not change over the term of the loan, then (a) the loan-to-value ratio (LTV ratio) cannot exceed 80 percent, and (b) the ratio of annual net operating income generated by the property

(before payment of any debt service on the loan) to annual debt service on the loan cannot be less than 120 percent; (3) if the loan has a variable rate, then (a) the LTV ratio cannot exceed 75 percent, and (b) the ratio of annual net operating income generated by the property (before payment of any debt service on the loan) to annual debt service on the loan cannot be less than 115 percent; (4) the loan must amortize principal and interest over a period of not less than 7 years and not more than 30 years; (5) timely payment of all principal and interest, in accordance with the terms of the loan, must have been made for at least one year; and (6) the loan must satisfy prudent underwriting standards as established by the appropriate federal banking agency.

Section 618(b)(2) requires that any loan fully secured by a first lien on a multifamily residential property that is sold by a financial institution subject to a *pro rata* loss sharing arrangement shall be treated as a sale and not a recourse transaction, to the extent that the purchaser and not the seller is exposed to loss on that loan portion. In addition, section 618(b)(3) provides that the federal banking agencies shall take into account loss sharing arrangements, other than *pro rata* loss sharing arrangements, under their risk-based capital regulations. The agencies should consider the extent to which loans fully secured by a first lien on a multifamily residential property subject to such arrangements should be treated as sold. The OTS capital rule currently follows this approach.

Today, OTS proposes to amend 12 CFR 567.1(v) of its rules to incorporate in the definition of qualifying multifamily mortgage loans the criteria set forth in RTCRRIA, and proposes to amend § 567.6(a)(1)(iii)(C) to include in the 50 percent risk-weight category qualifying, privately-issued MBSs collateralized by qualifying multifamily mortgage loans.

II. Description of Proposal

A. Qualifying Multifamily Housing Loans

Under the current OTS risk-based capital regulation (12 CFR part 567), "qualifying multifamily mortgage loans" are risk-weighted in the 50 percent category. 12 CFR 567.6(a)(1)(iii)(B). "Qualifying multifamily mortgage loans" are defined as loans secured by multifamily residential properties consisting of 5-to-36 dwelling units with an initial LTV ratio of not more than 80 percent where an average annual occupancy rate of 80 percent or more of total units has existed for at least one year. 12 CFR 567.1(v).

To implement section 618(b) of RTCRRIA, the OTS proposed to amend § 567.1(v) to incorporate the statutory criteria and certain additional standards for determining whether a multifamily mortgage loan would qualify for a 50 percent risk-weight. Such loans would be required to meet each of the following conditions to qualify for a 50 percent risk-weight:

(1) The loan must be secured by a first mortgage on multifamily residential properties consisting of 5 or more dwelling units;

(2) The amortization of principal and interest must not exceed thirty years;

(3) The minimum maturity for repayment of principal must not be less than seven years;

(4) All principal and interest payments must have been made on a timely basis in accordance with the terms of the loan for at least one year;

(5) The loan must be performing and not more than 90 days past due;

(6) The loan must comply with applicable lending limit requirements and prudent underwriting standards;

(7) The multifamily residential property securing the loan must have had an average annual occupancy rate of 80 percent or more of total units for at least one year; and

(8) If the rate of interest does not change over the term of the loan, then the loan amount at origination must not exceed 80 percent of the appraised value of the property, and in the most recent fiscal year, the ratio of annual net operating income generated by the property (before payment of any debt service on the loan) to annual debt service on the loan must not be less than 120 percent; or

(9) If the rate of interest changes over the term of the loan, then the loan amount at origination must not exceed 75 percent of the appraised value of the property, and in the most recent fiscal year, the ratio of annual net operating income generated by the property (before payment of any debt service on the loan) to annual debt service on the loan must not be less than 115 percent.

Two aspect of this proposed rule should be noted. First, the RTCRRIA places no upper limit on the number of units that a multifamily residential property may contain. OTS currently requires that the security property for a "qualifying multifamily mortgage loan" must consist of 5-to-36 dwelling units. The OTS has decided not to include a number-of-units restriction in this proposal so that it is consistent with those of the other federal banking agencies. The OTS specifically solicits comment, however, on whether a number-of-units restriction is necessary to minimize the economic risk presented by these loans. Also, because the agencies are considering imposing a number-of-units restriction in the final rule, the OTS solicits both comment and data on the appropriate level for such a number-of-units restriction so that the lower risk-weight category applies only to those multifamily mortgage loans warranting such favorable treatment based on lower credit risk.

Second, this proposed rule also would amend 12 CFR 567.6(A)(1)(iii)(C) to provide expressly that privately-issued MBSs qualify for a 50 percent risk-weight if at the time the MBS is originated it is fully secured by multifamily mortgage loans that are included in the 50 percent risk-weight category.[1]

Multifamily mortgage loans would not qualify for a 50 percent risk-weight at the time of origination, but must have performed in accordance with their terms for at least one year. This provision is likely to discourage savings associations from securitizing multifamily mortgage loans until a minimum of one year after origination.

OTS is requesting specific comment on how to treat MBSs not qualifying for a 50 percent risk-weight at origination solely because the underlying multifamily mortgage loans were new loans that had not satisfied the one-year performance criterion. For example, the OTS could authorize thrifts to reassign these MBSs from the 100 percent to the 50 percent risk-weight category when the one-year performance criterion is satisfied. This would permit such loans to be securitized at origination and to benefit from a lower risk-weight when the underlying loans qualify.

Most of the conditions prescribed in this proposed rule are conditions specifically imposed by section 618(b)(1) of RTCRRIA. Section 618(b)(1)(B)(iv) gives the OTS discretion to establish other underwriting standards consistent with the purposes of the minimum capital requirements and with the safety and soundness of savings associations.

[1] The OTS's current risk-based capital regulations assign a 20 percent risk-weight to (a) MBSs that have been issued or guaranteed by a U.S. government sponsored enterprise, or (b) privately-issued securities that are rated in one of the two highest rating categories by at least one nationally recognized statistical rating agency. 12 CFR 567.76(a)(1)(ii). Privately-issued MBSs collateralized by qualifying one-to-four family mortgage loans are currently assigned a 50 percent risk-weight. 12 CFR 567.6(a)(1)(iii). All other MBSs are currently assigned a 100 percent risk-weight. 12 CFR 567.6(a)(1)(iv).

To protect the safe and sound operations of thrifts, the OTS, along with the other federal banking agencies is proposing certain other underwriting standards.

In this regard, the OTS notes that the average annualized net charge-off rate for permanent multifamily mortgage loans for the nine quarters beginning March 1990 and ending March 1992 as reported in the quarterly Thrift Financial Reports was 0.61 percent of total average multifamily mortgage loans outstanding. In contrast, the average annualized charge-off rate for permanent one-to-four family residential loans was 0.07 percent for the same period. Although the net charge-off rate for permanent multifamily loans exceeded that for permanent one-to-four family residential loans, the multifamily charge-off rate was substantially below the net charge-off rates for other types of loans, including permanent nonresidential property loans (1.19 percent) and permanent commercial loans (1.32 percent).

Accordingly, the OTS believes that multifamily mortgage loans satisfying conservative underwriting and performance standards warrant a reduced risk-weight. The additional standards the OTS is proposing are designed to ensure that the 50 percent risk-weight is afforded to multifamily loans whose future repayment prospects are such that they expose an institution to relatively low levels of credit risk.

First, the OTS proposes that the statutorily prescribed LTV ratio be determined at the time the loan is originated. While RTCRRIA provides specific LTV ratios for qualifying multifamily mortgage loans (based on whether the interest rate is fixed or variable), it does not specify when these LTV ratios must be attained. The use of initial LTV ratios would be consistent with the criteria for qualifying multifamily mortgage loans and qualifying one-to-four family mortgages under the current OTS risk-based capital rule. Prudent real estate loan underwriting standards dictate that a borrower have a substantial equity interest in the property to demonstrate a commitment to repay the loan. Where the borrower has substantial equity interest in the property, the risk of losing this equity interest by defaulting on the loan motivates the borrower to make timely repayment.

The OTS recognizes, however, that the borrower can build equity over time as the principal amount of the loan is repaid. With respect to one-to-four family mortgage loans, the OTS has proposed to base the LTV ratio on the current loan amount compared with the property value at origination. Miscellaneous Capital and Capital-Related Amendments, 56 FR 15,303 (April 16, 1991). This approach would allow for subsequent qualification of the mortgage loans when the LTV ratio was paid down to the prescribed level. Another approach is to base the LTV ratio on the most current appraised value of the property, which normally would be the appraised value at the time the loan was originated, unless a more recent appraisal has been conducted.

In view of these alternatives, the OTS solicits comment on: (1) whether a loan that did not satisfy the LTV ratio criterion at origination should be permitted to qualify when the principal balance is paid down to 80 percent or less of the original appraised value; and (2) whether the LTV ratio should be based on the most current appraised value of the property, which normally would be the appraised value at the time the loan was originated, unless a more recent appraisal has been performed.

Second, section 618(b)(1)(B)(iii) requires timely payment of all principal and interest payments in accordance with the terms of the loan. A borrower may have made all scheduled payments for the past 12 months but may have missed several scheduled payments in previous periods that remained unpaid under the existing loan terms. In addition, other circumstances, such as a sudden significant increase in the vacancy rate, may indicate that full payment of principal and interest will not be made, notwithstanding past repayment experience, cash flow, and occupancy rates. Consequently, in addition to the one year timely payment requirement prescribed by statute, the OTS, like the other federal banking agencies, proposes to require that the multifamily mortgage loan be performing and not more than 90 days past due. The OTS's current risk-based capital regulations contain similar requirements for one-to-four family mortgage loans to qualify for a 50 percent risk-weight. 12 CFR 567.1(u).

Third, the OTS is proposing that the multifamily loan be made in accordance with applicable lending limits and other prudent underwriting standards. Compliance with prudent underwriting standards is designed to control the credit risk inherent in the lending process. These requirements are also necessary to maintain consistent treatment of single-family and multifamily mortgage loans under the current OTS risk-based capital regulations. To be considered prudently underwritten, the savings association's files must contain sufficient documentation on each multifamily mortgage loan to permit OTS examiners to determine that the security property qualifies for a 50 percent risk-weight. Such documentation should generally include a title policy or opinion; adequate fire, hazard, and liability insurance; and other appropriate documentation.

The OTS, consistent with the proposals of the other agencies, also proposes to retain the requirement in its current multifamily rule that average annual occupancy rate for a property securing a loan must have been at least 80 percent of the total number of units for at least a year. This occupancy provision complements the annual net income-to-debt service ratio requirement in section 618(b)(1). While a high occupancy rate alone does not necessarily guarantee that the multifamily residential property will generate sufficient cash flow to service any loan secured by the property, the combination of cash flow and occupancy rate requirements will increase the probabilities that the loan can be repaid. The OTS, however, specifically requests comment on the application of this 80 percent occupancy provision. The OTS is particularly interested in comments concerning whether it is necessary to retain the current requirement that the occupancy rate be at least 80 percent of the total number of units in light of the net income-to-debt service requirement added by section 618(b).

As indicated above, the OTS's current risk-based capital regulations provide that multifamily loans meeting certain criteria are in the 50 percent risk-weight category. The additional criteria imposed by this proposed regulation may cause certain multifamily loans that are currently assigned to the 50 percent risk-weight category to be ineligible for this category. The OTS is proposing that any multifamily loans included in a savings association's portfolio in the 50 percent risk-weight category as of September 2, 1992 be grandfathered so that they continue to be included in the 50 percent risk-weight category. This grandfathered treatment would be conditioned on such loans continuing to meet the requirements of the current regulation, even if such loans do not meet all the criteria for qualifying multifamily loans set forth in this proposed rule. The OTS requests comment on whether this "grandfathering" treatment is appropriate.

Section 305(b)(1)(B) of the Federal Deposit Insurance Corporation Improvement Act of 1991, among other things, requires the OTS to revise its

risk-based capital regulations to reflect the actual performance and expected risk of loss of multifamily mortgages. The OTS solicits comment on whether there are any additional changes besides those discussed herein that are necessary to implement this provision.

B. Loss Sharing Arrangements

Section 618(b)(2) requires that "any loan fully secured by a first-lien on a multifamily housing project that is sold subject to a *pro rata* loss sharing arrangement * * * shall be treated as sold to the extent that loss is incurred by the purchaser of the loan." Section 618(b)(2) further defines a *pro rata* loss sharing arrangement as "an agreement providing that the purchaser of a loan shares in any loss incurred on the loan with the selling institution on a *pro rata* basis."

This statutory requirement is the same as the current OTS policy on *pro rata* risk sharing set forth in 12 CFR 567.6(a)(2)(i)(A)(2). Under the OTS's existing risk-based capital regulation, the sale of a loan fully secured by a first lien on a multifamily residential property would be accorded sales treatment and not treated as recourse to the extent that each participant is responsible solely for its *pro rata* share of the risk and there is no recourse to the originating institution. The OTS policy follows generally accepted accounting principles on loan sales.

Section 618(b)(3) of RTCRRIA also gives OTS discretion to take into account other loss sharing arrangements (besides *pro rata* loss sharing arrangements) in connection with the sale of a loan fully secured by a multifamily residential property.

OTS's current risk-based capital regulations provide that savings association must include in risk-weighted assets one-hundred percent of "the values of assets sold with recourse * * * except where the amount of recourse liability retained by the savings association is less than the capital requirement for credit-risk exposure." 12 CFR 567.6(a)(2)(i)(C). The OTS interprets this regulation as treating that portion of loans subject to loss sharing arrangements, including multifamily mortgage loans, as sold with recourse. The OTS believes that this regulation satisfies the statutory requirement that the OTS's risk-based capital rule take account of risk-sharing arrangements other than *pro rata* loss sharing arrangements involving the sale of multifamily mortgage loans.

C. Issues for Specific Comments

The OTS solicits comments on all aspects of this proposed regulation. The OTS is providing a 30 day comment period in order to expedite adoption of final regulations. The OTS is particularly interested in comments on the following specific issues concerning multifamily mortgage loans.

(1) Should the OTS impose a restriction on the number of units a multifamily residential property may contain in order to qualify for a 50 percent risk-weight? If so, what is the appropriate number of units to impose as an upper limit?

(2) What should be the proper treatment for MBSs secured by qualifying multifamily mortgage loans? How should the rule be applied to MBSs backed by pools of multifamily mortgage loans originated prior to the adoption of this rule?

(3) Should multifamily mortgage loans that do not satisfy the appropriate LTV ratio at the time of origination be permitted to qualify at some later time, and if so, under what circumstances? should the reduced risk-weight apply when the borrower pays down a loan below the prescribed level? Should the LTV ratio be based on the most current valuation, instead of the valuation at origination?

(4) Should the OTS retain the requirement that the occupancy rate be at least 80 percent of the total number of units for a year?

(5) Should the OTS extend "grandfathered" treatment to qualifying multifamily mortgage loans in the 50 percent risk-weight category under current OTS rules if they continue to meet the requirements of the current regulations?

Regulatory Flexibility Act

Pursuant to section 605(b) of the Regulatory Flexibility Act, the OTS certifies that this proposal will not have a significant economic impact on a substantial number of small entities.

Executive Order 12291

The Director of the OTS has determined that this proposal does not constitute a "major rule," therefore, a regulatory impact analysis is not required.

List of Subjects in 12 CFR Part 567

Capital, Reporting and recordkeeping requirements, Savings associations.

Accordingly, the Office of Thrift Supervision hereby proposes to amend part 567, subchapter D, chapter V, title 12, Code of Federal Regulations as set forth below:

SUBCHAPTER D—REGULATIONS APPLICABLE TO ALL SAVINGS ASSOCIATIONS

PART 567—CAPITAL

1. The authority citation for part 567 is revised to read as follows:

Authority: 12 U.S.C. 1462, 1462a, 1463, 1464, 1467a.

2. Section 567.1 is amended by revising paragraph (v) to read as follows:

§ 567.1 Definitions.

* * * * *

(v) *Qualifying multifamily mortgage loan.* The term *qualifying multifamily mortgage loan* means a loan secured by a first lien on multifamily residential properties consisting of 5 or more dwelling units, provided:

(1) The amortization of principal and interest occurs over a period of not more than 30 years;

(2) The minimum maturity for repayment of principal on the loan is not less than seven years;

(3) All principal and interest payments have been made on a timely basis in accordance with the terms of the loan for at least one year and the loan is performing and not more than 90 days past due;

(4) The property securing the loans has had an average annual occupancy rate of at least 80 percent of the total units in the property for at least one year;

(5) The loan is made by the savings association in accordance with applicable lending limit requirements and other prudent underwriting standards; and

(6)(i) If the interest rate on the loan does not change over the term of the loan:

(A) The loan amount at origination does not exceed 80 percent of the appraised value of the property securing the loan; and

(B) For the property's most recent fiscal year, the ratio of annual net operating income generated by the property (before payment of any debt service on the loan) to annual debt service on the loan is not less than 120 percent; or

(ii) If the interest rate on the loan changes over the term of the loan:

(A) The loan amount at origination does not exceed 75 percent of the appraised value of the property securing the loan; and

(B) For the property's most recent fiscal year, the ratio of annual net operating income generated by the property (before payment of any debt

service on the loan) to annual debt service on the loan is not less than 115 percent.

The term *qualifying multifamily mortgage loan* also includes multifamily mortgage loans in a savings association's portfolio that were qualifying multifamily mortgage loans as of September 2, 1992 and that continue to meet the definition of qualifying multifamily mortgage loan in effect on September 2, 1992.

* * * * *

3. Section 567.6 is amended by revising paragraph (a)(1)(iii)(C) to read as follows:

§ 567.6 Risk-based capital credit risk weight categories.

(a) * * *

(1) * * *

(iii) * * *

(C) Non-high quality mortgage-related securities backed by qualifying mortgage loans and qualifying multifamily mortgage loans, except for those with residual characteristics or stripped mortgage-related securities.

* * * * *

Dated: July 23, 1992.

The Office of Thrift Supervision.

Jonathan Fiechter,

Deputy Director for Washington Operations.

[FR Doc. 92-20949 Filed 9-1-92; 8:45 am]

BILLING CODE 6720-01-M

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12 CFR Part 567

[No. 92-264]

RIN 1550-AA55

Capital Treatment of Equity Investments

AGENCY: Office of Thrift Supervision, Treasury.

ACTION: Proposed rule.

SUMMARY: The Office of Thrift Supervision (OTS) is proposing to change its risk-based capital treatment of equity investments that are permissible for both savings associations and national banks. Savings associations will no longer be required to deduct these investments in calculating their capital. Instead, these investments will be placed in the 100% risk weight category.

DATES: Comments must be received on or before October 2, 1992.

ADDRESSES: Send comments to Director, Information Services Division, Public Affairs, Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552, Attention Docket No. (92-264). These submissions may be hand delivered to 1700 G Street, NW. from 9 A.M. to 5 P.M. on business days; they may be sent by facsimile transmission to FAX Number (202) 906-7753 or (202) 906-7755. Submissions must be received by 5 p.m. on the day they are due in order to be considered by the OTS. Late-filed, misaddressed or misidentified submissions will not be considered in this rulemaking. Comments will be available for inspection at 1776 G Street, NW., Street Level.

FOR FURTHER INFORMATION CONTACT: John Connolly, Program Manager for Capital Policy, (202) 906-6465, Policy; Deborah Dakin, Assistant Chief Counsel, (202) 906-6445, Regulations and Legislation Division, Chief Counsel's Office; Office of Thrift Supervision, 1700 G St., NW., Washington, DC 20552.

SUPPLEMENTARY INFORMATION: The Office of Thrift Supervision (OTS) is today proposing to revise the treatment of certain equity investments under its risk-based capital regulation and to clarify the treatment of certain other equity investments under that regulation. Equity investments that are permissible for both savings associations and national banks would no longer be deducted from savings associations' calculations of total capital over a five-year transition period. They would instead be placed in the 100 percent risk-weight category. This is the same treatment prescribed for national banks under the regulations of the Office of the Comptroller of the Currency (OCC). Only those equity investments held by savings associations that are not permissible for national banks would continue to be required to be deducted from assets and thus total capital. Today's proposal also clarifies the risk-based capital treatment of equity investments that represent interests in pools of assets, such as mutual funds.

The proposed revisions to the risk-based capital treatment of equity investments would not increase or in any way affect a savings association's underlying authority to make such investments. OTS notes that some equity investments permissible for national banks, such as investments in foreign banking corporations, are not permissible for savings associations.

Three equity investments currently held by thrifts would be most affected by this change: Loans with equity participations that are considered equity investments under Generally Accepted Accounting Principles, Federal National Mortgage Association (Fannie Mae) stock, and Federal Home Loan Mortgage Corporation (Freddie Mac) stock.

The OTS is revising its treatment of loans with "equity kickers" because such loan structures are sometimes appropriate alternatives to more traditional debt structures and should not be considered *per se* equivalent to equity investments. The OCC has recognized that such loans may be appropriate and expressly permits them, while prohibiting most forms of equity investment. Such loans by national banks are included in the 100 percent risk-weight category.

Moreover, the OTS has adopted safeguards against excessively high-ratio land and non-residential construction loans, many of which have equity participation features. The portion of such loans above 80 percent of the value of the property is treated as an equity investment subject to the deduction from assets and capital requirement. The OTS is not proposing to change this treatment. Nevertheless, OTS reserves the right under 12 CFR 567.11 in any particular case to determine that either a particular loan structure or group of loans should be treated in the same manner as an equity investment for the purposes of this rule if it finds the structures are more consistent with the characteristics of equity investments or were structured for the purpose of evading the equity investment rule.

As a general matter, OTS does not consider troubled loans that have been restructured to improve the lending institution's protection to be equity investments, even if the resultant structure includes a position that has substantial equity characteristics. Such holdings are generally subject to OTS rules regarding interests in real property acquired in satisfaction of a debt previously contracted.

The recently enacted Federal Deposit Insurance Corporation Improvement Act of 1991 modified the Qualified Thrift Lender (QTL) test to which thrifts are subject by adding Fannie Mae and Freddie Mac stock to the list of investments that count towards meeting the QTL test. This demonstrates Congressional recognition that these investments are consistent with the housing mission of the thrift industry. Under these circumstances, OTS believes that it is not appropriate to discourage thrift investment in Fannie Mae and Freddie Mac stock through requiring deduction of these investments in calculating capital.

OTS is also proposing to clarify that investments in securities evidencing ownership interests in pools of assets, which are risk-weighted pursuant to 12 CFR 567.6(a)(vi) depending on the assets

held in the portfolios, are not considered equity investments as defined in 12 CFR 567.#1(i). While OTS has consistently interpreted the capital regulation this way since its promulgation in 1989, some confusion has resulted from the regulation's silence on the interaction of these sections.

The OTS solicits comments on all aspects of this proposal.

Executive Order 12291

The Director of the OTS has determined that this proposed rule does not constitute a "major rule" and, therefore, a regulatory impact analysis is not required.

Regulatory Flexibility Act

Pursuant to section 605(b) of the Regulatory Flexibility Act, the OTS certifies that this proposed rule will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 12 CFR Part 567

Capital, Reporting and recordkeeping requirements, Savings associations.

Accordingly, the Office of Thrift Supervision hereby proposes to amend part 567, chapter V, title 12, Code of Federal Regulations as set forth below:

SUBCHAPTER D—REGULATIONS APPLICABLE TO ALL SAVINGS ASSOCIATIONS

PART 567—CAPITAL

1. The authority citation for part 567 is revised to read as follows:

Authority: 12 U.S.C. 1462, 1462a, 1463, 1464, 1467a.

2. Section 567.1 is amended by revising the last sentence of paragraph (i)(2) to read as follows:

§ 567.1 Definitions.

* * * * *

(i) *Equity investments.* * * *

(2) * * *

(vii) * * *

It does not include investments in subsidiaries as defined in paragraph (dd) of this section, equity investments that are permissible for national banks, ownership interests in pools of assets that are risk-weighted in accordance with § 567.6(a) (vi) of this part, or the stock of Federal Home Loan Banks or Federal Reserve Banks.

* * * * *

3. Section 567.6 is amended by changing the period following paragraph (a)(1)(iv)(Q) to a semicolon and by adding a new paragraph (a)(1)(iv)(R) to read as follows:

§ 567.6 Risk-based capital credit risk weight categories.

(a) *Risk-weighted Assets.* * * *

(1) *On-Balance Sheet Assets.* * * *

(iv) *100 percent Risk Weight (Category 4).* * * *

(R) Equity investments permissible for a national bank.

* * * * *

Dated: June 18, 1992.

By the Office of Thrift Supervision.

Timothy Ryan,

Director.

[FR Doc. 92-20951 Filed 9-1-92; 8:45 am]

BILLING CODE 6720-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 92-AWP-14]

Proposed Establishment of Two Transition Areas in the Vicinity of the Goffs VHF Omnidirectional Range/ Tatical Air Navigation (VORTAC), CA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to establish two 7000 foot MSL and above transition areas near the Goffs VORTAC, CA. These transition areas would provide controlled airspace for aircraft proceeding via a Standard Terminal Arrival Route (STAR) into the Las Vegas McCarran International Airport, NV.

DATES: Comments must be received on or before October 1, 1992.

ADDRESSES: Send comments on the proposal in triplicate to: Federal Aviation Administration, Attn: Manager, System Management Branch, AWP-530, Docket No. 92-AWPA-14, Air Traffic Division, P.O. Box 92007, Worldway Postal Center, Los Angeles, CA 90009.

The official docket may be examined in the Office of the Regional Counsel, Western-Pacific Region, Federal Aviation Administration, Room 6W14, 15000 Aviation Boulevard, Lawndale, CA.

An informal docket may be examined during normal business hours at the Office of the Manager, System Management Branch, Air Traffic Division at the above address.

FOR FURTHER INFORMATION CONTACT: Gene Enstad, Airspace Specialist, System Management Branch, AWP-530, Air Traffic Divison, Western-Pacific Region, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, CA90261, telephone (310) 297-0010.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with the comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 92-AWP-14." The postcard will be date/time stamped and returned to the commenter. All communications received on or before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of comments received. All comments submitted will be available for examination in the System Management Branch, Air Traffic Division, at 15000 Aviation Boulevard, Lawndale, California 90261, both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaing will be filed in the docket.

Availability of NPRM's

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, System Management Branch, P.O. Box 92007, Worldway Postal Center, Los Angeles, California 90009. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11-2A which describes the application procedures.

The Proposal

The FAA is considering an amendment to part 71 of the Federal Aviation Regulations (14 CFR part 71) to establish two 7000 foot MSL and above transition areas near the GoffS

VORTAC, CA. The first of the two transition areas (Goffs North) is bounded by Victor Airway 8 (V–8) on the northwest, V–237 on the east, and V–210 on the south. The second transition area (Goffs South) is bounded V–210 on the north, V–237 on the east and V–135 to the southwest. The Minimum Vectoring Altitude (MVA) is 7,000 feet MSL in that area. These proposed transition areas will provide controlled airspace for aircraft proceeding via a Standard Terminal Arrival Route (STAR) into the Las Vegas McCarran Airport from the vicinity of the Thermal VORTAC, CA. Transition areas are published in § 71.181 of FAA Handbook 7400.7 effective November 1, 1991, which is incorporated by reference in 14 CFR 71.1. The transition areas listed in this document would be published subsequently in the Handbook.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Aviation safety, Incorporation by reference, Transition areas.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Administration proposes to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) as follows:

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRPSACE, AND REPORTING POINTS, JET ROUTES, AND AREA HIGH ROUTES

1. The authority citation for 14 CFR part 71 continues to read as follows:

Authority: 49 U.S.C. app. 1348(a), 1354(a), 1510; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389; 49 U.S.C. 106(g); 14 CFR 11.69.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.7, Compilation of Regulations, published April 30, 1991, and effective November 1, 1991, is amended as follows:

Section 71.181 Designation

* * * * *

AWP CA TA Goffs North, CA [New]

That airspace extended upward from 7000 feet mean sea level (MSL) and above bounded on the northwest by Victor Airway 8 (V–8), on the east by V–237, and on the south by V–210.

AWP CA TA Goffs South, CA [New]

That airspace extending upward from 7000 feet mean sea level (MSL) and above bounded on the north by Victor Airway 210 (V–210), on the east by V–237, and on the southwest by V–135.

* * * * *

Issued in Los Angeles, California, on August 20, 1992.

Richard R. Lien,

Manager, Air Traffic Division, Western-Pacific Region.

[FR Doc. 92–21100 Filed 9–1–92; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 71

[Airspace Docket No. 91–ANM–16]

Proposed Establishment and Alteration of Jet Routes

AGENCY: Federal Aviation Administration (FAA) DOT.

ACTION: Supplemental notice of proposed rulemaking.

SUMMARY: This supplemental notice amends a previous proposal to alter the descriptions of several jet routes located in Colorado, Kansas, Nebraska, South Dakota, Wyoming, and Utah and alter Jet Route J–54 from Pocatello, ID, to Laramine, WY, to accommodate the new Denver International Airport, scheduled to open in October 1993. Simulations conducted at the FAA Technical Center require changes to the original proposal.

DATES: Comments must be received on or before October 15, 1992.

ADDRESSES: Send comments on the proposal in triplicate to: Manager, Air Traffic Division, ANM–500, Docket No. 91–ANM–16, Federal Aviation Administration, 1601 Lind Avenue, Southwest, Renton, WA 98055–4056.

The official docket may be examined in the Rules Docket, Office of the Chief Counsel, room 916, 800 Independence Avenue, SW., Washington, DC, weekdays, except Federal holidays, between 8:30 a.m. and 5 p.m.

An informal docket may also be examined during normal business hours at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: Alton D. Scott, Airspace and Obstruction Evaluation Branch (AT P–240), Airspace-Rules and Aeronautical Information Division, Air Traffic Rules and Procedures Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone: (202) 267–9252.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify the airspace docket number of this SNPRM and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 91–ANM–16." The postcard will be date/time stamped and returned to the commenter. All communications received on or before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this supplemental notice may be changed in light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM 's

Any person may obtain a copy of this Supplemental Notice of Proposed Rulemaking (SNPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Inquiry Center, APA–220, 800 Independence Avenue, SW., Washington, DC 20591, or by calling (202) 267–3485. Communications must

identify the notice number of this SNPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11-2A which describes the application procedure.

The Proposal

The FAA is considering an amendment to part 71 of the Federal Aviation Regulations (14 CFR part 71) to alter the descriptions of the jet routes located in Colorado, Kansas, Idaho, Nebraska, South Dakota, Wyoming, and Utah to accommodate the new Denver International Airport scheduled to open in October 1993. The FAA published an earlier notice proposing to alter several jet routes in Colorado, Kansas, Nebraska, South Dakota, Wyoming, and Utah, on March 31, 1992 (57 FR 10841). Comments received in response to the NPRM and this SNPRM will be addressed in the final disposition of the rule.

As a result of simulations of the new route structure conducted at the FAA Technical Center in Atlantic City, NJ, the proposals for two jet routes have been revised and an additional jet route altered. This supplemental notice proposes to alter the jet route structure of J-56 and J-114 as proposed in the original notice and to alter Jet Route J-54 from Pocatello, ID, to Laramie, WY, to accommodate the new airport. Jet routes are published in § 75.100 of Handbook 7400.7 effective November 1, 1991, which is incorporated by reference in 14 CFR 71.1. The jet routes listed in this document would be published subsequently in the Handbook.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Aviation safety, Incorporation by reference, Jet routes.

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

PART 71—[AMENDED]

1. The authority citation for 14 CFR part 71 continues to read as follows:

Authority: 49 U.S.C. app. 1348(a), 1354(a), 1510; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389; 49 U.S.C. 106(g); 14 CFR 11.69.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.7, Compilation of Regulations, published April 30, 1991, and effective November 1, 1991, is amended as follows:

Section 71.607 Jet Routes

* * * * *

J-10 [Revised]

From Los Angeles, CA; via INT Los Angeles 083° and Twentynine Palms, CA, 269° radials; Twentynine Palms; INT of Twentynine Palms 075° and Drake, AZ, 262° radials; Drake; Farmington, NM, Blue Mesa, CO; Falcon, CO; INT Falcon 049°T(038°M) and North Platte, NE, 261°T(250°M) radials; North Platte; Wolbach, NE; Des Moines, IA; to Iowa City, IA.

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J-13 [Revised]

From the INT of the United States/Mexican border and the Truth or Consequences, NM, 162° radial, via Truth or Consequences; Albuquerque, NM; Alamosa, CO; INT Alamosa 015°T(002°M) and Falcon, CO, 209°T(198°M) radials; Falcon; Cheyenne, WY; Muddy Mountain, WY; Billings, MT; Great Falls, MT; to Lethbridge, AB, Canada. The airspace within Canada is excluded.

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J-17 [Revised]

From San Antonio, TX; via Abilene, TX; Amarillo, TX; Tobe, CO; Pueblo, CO; Falcon, CO; Cheyenne, WY; to Rapid City, SD.

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J-20 [Revised]

From Seattle, WA; via Yakima, WA; Pendleton, OR; Donnelly, ID; Pocatello, ID; Rock Springs, WY; Falcon, CO; Lamar, CO; Liberal, KS; INT Liberal 137° and Will Rogers, OK, 284° radials; Will Rogers; Shreveport, LA; Jackson, MS; Montgomery, AL; Meridian, MS; Tallahassee, FL; INT Tallahassee 129° and Orlando, FL, 306° radials; Orlando 154° and Fort Lauderdale, FL, 339° radials; to Fort Lauderdale.

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J-44 [Revised]

From Phoenix, AZ; via Winslow, AZ, Farmington, NM; Alamosa, CO; INT Alamosa 015°T(002°M) and Falcon, CO, 209°T(198°M) radials; Falcon; McCook, NE; to Lincoln, NE.

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J-52 [Revised]

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From Vancouver, BC, Canada; via Spokane, WA; Salmon, ID; Dubois, ID; Rock Springs, WY; Falcon, CO; Lamara, CO; Liberal, KS; INT Liberal 137° and Ardmore, OK, 309° radials; Ardmore; Dallas-Fort Worth, TX; Texarkana, AR; Greenwood, MS; Bigbee, MS; Vulcan, AL; Atlanta, GA; Colliers, SC; Columbia, SC; Raleigh-Durham, NC; to Richmond, VA. The portion within Canada is excluded.

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J-54 [Revised]

From Tatoosh, WA; Olympia, WA; Baker, OR; Boise, ID; Pocatello, ID; Cherokee, WY; to Laramie, WY.

* * * * *

J-56 [Revised]

From Mina, NV; Salt Lake City, UT; Hayden, CO; INT Hayden 090°T(076°M) and Falcon, CO, 317°T(306°M) radials; to Falcon.

* * * * *

J-60 [Revised]

From Los Angeles, CA; via Paradise, CA; Hector, CA; Boulder City, NV; Bryce Canyon, UT; Hanksville, UT; Red Table, CO; Mile High, CO; Hayes Center, NE; Lincoln, NE; Iowa City, IA; Joliet, IL; Goshen, IN; Dryer, OH; Philipsburg, PA; East Texas, PA; to Sparta, NJ.

* * * * *

J-80 [Revised]

From Oakland, CA, via Manteca, CA; Coaldale, NV; Wilson Creek, NV; Milford, UT; Grand Junction, CO; Red Table, CO; Falcon, CO; Goodland, KS; Hill City, KS; Kansas City, MO; Capital, IL; Indianapolis, IN; Bellaire, OH; INT Bellaire 090° and East Texas, PA, 240° radials; East Texas; Sparta, NJ; Barnes, MA; to Bangor, ME.

* * * * *

J-114 [Revised]

From Mile High, CO; Sidney, NE; INT Sidney 075°T(062°M) and O'Neill, NE, 239°T(229°M) radials; O'Neill; Sioux Falls, SD; to Gopher, MN.

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J-116 [Revised]

From Salt Lake City, UT, via Fairfield, UT; Meeker, CO; to Falcon, CO.

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J-128 [Revised]

From Los Angeles, CA, via INT Los Angeles 083° and Peach Springs, AZ, 244° radials; Peach Springs; Tuba City, AZ; Blue Mesa, CO; Falcon, CO; Hayes Center, NE; Wolbach, NE; Dubuque, IA; to Northbrook, IL.

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J–130 [Revised]

From McCook, NE; to Pawnee City, NE.

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J–154 [Revised]

From Battle Mountain, NV; Bonneville, UT; Salt Lake City, UT; Rock Springs, WY; INT Rock Springs 106°T(090°M) and Mile High, CO, 322°T(311°M) radials; Mile High; INT Mile High 131°T(122°M) and Garden City, KS, 296°T(285°M) radials; to Garden City.

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J–157 [Revised]

From Myton, UT; Laramie, WY; Scottsbluff, NE; to Rapid City, SD.

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J–168 [Revised]

From Wichita Falls, TX; to Lamar, CO.

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J–170 [Revised]

From Crazy Woman, WY; via Muddy Mountain, WY; to Medicine Bow, WY.

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J–172 [Removed]

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Issued in Washington, DC, on August 21, 1992.

Harold W. Becker,

Manager, Airspace-Rules and Aeronautical Information Division.

[FR Doc. 92–21097 Filed 9–1–92; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 71

[Airspace Docket No. 92–ASO–3]

Proposed Alteration of VOR Federal Airways and Revocation of V–515; TN

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This action proposes to alter the descriptions of six Very High Frequency Omnidirectional Range (VOR) Federal airways and to revoke one airway located in the vicinity of Nashville, TN. The Nashville VOR will be relocated to the north of its current location and, in conjunction with the VHF Omnidirectional Range/Tactical Air Navigational (VORTAC) relocation, the airway structure in the Nashville area would be realigned to reduce congestion within the terminal area and to decrease the en route traffic in the arrival and departure areas.

DATES: Comments must be received on or before October 21, 1992.

ADDRESSES: Send comments on the proposal in triplicate to: Manager, Air Traffic Division, ASO–500, Docket No. 92–ASO–3, Federal Aviation Administration, P.O. Box 20636, Atlanta, GA 30320.

The official docket may be examined in the Rules Docket, Office of the Chief Counsel, room 916, 800 Independence Avenue, SW., Washington, DC, weekdays, except Federal holidays, between 8:30 a.m. and 5 p.m.

An informal docket may also be examined during normal business hours at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: Lewis W. Still, Airspace and Obstruction Evaluation Branch (ATP–240), Airspace-Rules and Aeronautical Information Division, Air Traffic Rules and Procedures Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone: (202) 267–9250.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify the airspace docket number and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 92–ASO–3." The postcard will be date/time stamped and returned to the commenter. All communications received on or before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Inquiry Center, APA–220, 800 Independence Avenue, SW., Washington, DC 20591, or by calling (202) 267–3485. Communications must identify the notice number of this NPRM. Persons interested in being placed on a military list for future NPRM's should also request a copy of Advisory Circular No. 11–2A which describes the application procedure.

The Proposal

The FAA is considering an amendment to part 71 of the Federal Aviation Regulations (14 CFR part 71) to alter the descriptions of six VOR Federal airways and to revoke one airway located in the vicinity of Nashville, TN. The Nashville VOR will be relocated to the north of its current location. The airway structure in the Nashville area would be realigned to reduce congestion within the terminal area and to decrease the en route traffic in the arrival and departure areas. VOR Federal airways are published in § 71.123 of Handbook 7400.7 effective November 1, 1991, which is incorporated by reference in 14 CFR 71.1. The airways listed in this document would be published subsequently in or removed subsequently from the Handbook.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Aviation safety, Incorporation by reference, VOR Federal airways.

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR Part 71 as follows:

PART 71—[AMENDED]

1. The authority citation for 14 CFR part 71 continues to read as follows:

Authority: 49 U.S.C. app. 1348(a), 1354(a), 1510; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389; 49 U.S.C. 106(g); 14 CFR 11.69.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.7, Compilation of Regulations, published April 30, 1991, and effective November 1, 1991, is amended as follows:

Section 71.123 Domestic VOR Federal Airways

* * * * *

V–5 [Revised]

From Pecan, GA, via Vienna, GA; Dublin, GA; Athens, GA; INT Athens 340° and Electric City, SC, 274° radials; INT Electric City 274° and Chattanooga, TN, 127° radials; Chattanooga; Bowling Green, KY; New Hope, KY; Louisville, KY; Cincinnati, OH; Appleton, OH; Mansfield, OH; DRYER, OH; London, ON, Canada. The airspace within Canada is excluded.

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V–16 [Revised]

From Los Angeles, CA; Paradise, CA; Palm Springs, CA; Blythe, CA; Buckeye, AZ; Phoenix, AZ; INT Phoenix 155° and Stanfield, AZ, 105° radials; Tucson, AZ; Cochise, AZ; Columbus, NM; El Paso, TX; Salt Flat, TX; Wink, TX; Wink 066° and Big Spring, TX, 260° radials, Big Spring; Abilene, TX; Millsap, TX; Acton, TX; Scurry, TX; Quitman, TX; Texarkana, AR; Pine Bluff, AR; Holly Springs, MS; Jacks Creek, TN; Shelbyville, TN; Hinch Mountain, TN; Knoxville, TN; Holston Mountain, TN; Pulaski, VA; Roanoke, VA; Lynchburg, VA; Flat Rock, VA; Richmond, VA; INT Richmond 039° and Patuxent, MD, 228° radials; Patuxent; Smyrna, DE; Cedar Lake, NJ; Coyle, NJ; INT Coyle 036° and Kennedy, NY, 209° radials; Kennedy; Deer Park, NY; Calverton, NY; Norwich, CT; Boston, MA. The airspace within Mexico and the airspace below 2,000 feet MSL outside the United States is excluded. The airspace within Restricted Areas R–5002A, R–5002C, and R–5002D is excluded during their times of use. The airspace within Restricted Areas R–4005 and R–4006 is excluded.

* * * * *

V–52 [Revised]

From Des Moines, IA; Ottumwa, IA; Quincy, IL; St. Louis, MO; Troy, IL; INT Troy 099° and Pocket City, IN, 311° radials; Pocket City; Central City, KY; Bowling Green, KY; to Livingston, TN.

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V–124 [Revised]

From Blue Ridge, TX, via Paris, TX; Hot Springs, AR; Little Rock, AR; Gilmore, AR; Jacks Creek, TN; to Graham, TN.

* * * * *

V–136 [Revised]

From Hinch Mountain, TN; INT Mountain 100° and Knoxville, TN, 243° radials; Knoxville; Snowbird, TN; Holston Mountain, TN; Pulaski, VA; INT Pulaski 094° and South Boston, VA, 295° radials; South Boston; Raleigh-Durham, NC; Fayetteville, NC; to Grand Strand, SC. The airspace at and above 7,000 feet MSL from 17 miles south to 38 miles south of Fayetteville is excluded during the time that the Gamecock A MOA is activated by NOTAM.

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V–362 [Revised]

From Brunswick, GA, via Alma, GA; Vienna, GA; to Macon, GA.

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V–515 [Removed]

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Issued in Washington, DC, on August 26, 1992.

Harold W. Becker,

Manager, Airspace-Rules and Aeronautical Information Division.

[FR Doc. 92–21093 Filed 9–1–92; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 71

[Airspace Docket No. 92–ANM–10]

Proposed Amendment of Control Zone; Butts Army Airfield, Fort Carson, CO

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to amend the Fort Carson, Colorado Control Zone at Butts Army Airfield to provide controlled airspace for aircraft executing a new instrument approach procedure. The Control Zone would be depicted on aeronautical charts for pilot reference.

DATES: Comments must be received on or before October 16, 1992.

ADDRESSES: Send comments on the proposal to: Manager, System Management Branch, ANM–530, Federal Aviation Administration, Docket No. 92–ANM–10, 1601 Lind Avenue SW., Renton, Washington 98055–4056, Telephone: (206) 227–2536.

The official docket may be examined at the same address.

An informal docket may also be examined during normal business hours at the address listed above.

FOR FURTHER INFORMATION CONTACT: Ted Melland, ANM–536, Federal Aviation Administration, Docket No. 92–ANM–10, 1601 Lind Avenue SW., Renton, Washington 98055–4056, Telephone: (206) 227–2536.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments, as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy related aspects of the proposal. Communications should identify the airspace docket number and be submitted to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 92–ANM–10." The postcard will be date/time stamped and returned to the commenter. All communications received on or before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination at the address listed above both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, System Management Branch, ANM–530, 1601 Lind Avenue SW., Renton, Washington 98055–4056. Communications must identify the notice number of this NPRM. Persons interested in being placed on mailing list for future NPRM's should also request a copy of Advisory Circular No. 11–2A which describes the application procedure.

The Proposal

The FAA is considering an amendment to § 71.171 of part 71 of the Federal Aviation Regulations (14 CFR part 71) to amend the Fort Carson, Colorado Control Zone at Butts Army Airfield. The intent is to provide additional controlled airspace for aircraft executing a new instrument approach procedure. The proposed control zone would be defined by a 4.3 mile radius of Butts Army Airfield, and

within 2.2 miles each side of the 146° bearing from the Iron Horse NDB extending from the 4.3 mile radius to 5 miles southeast of the airfield, excluding that airspace within a 5-mile radius of the Colorado Springs Municipal Airport, Colorado Springs, Colorado. The action would accurately define controlled airspace for pilot reference. The airspace would be depicted on aeronautical charts for pilot reference. Control zones are published in § 71.171 of Handbook 7400.7 effective November 1, 1991, which is incorporated by reference in 14 CFR 71.1. The control zone listed in this document would be published subsequently in the Handbook.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore, (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Aviation safety, Control zones, Incorporation by reference.

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

PART 71—[AMENDED]

1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. App. 1348(a), 1354(a), 1510; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., P. 389; 49 U.S.C. 106(g); 14 CFR 11.69.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.7, Compilation of Regulations, published April 30, 1991, and effective November 1, 1991 is amended as follows:

Section 71.171 Designation

* * * * *

ANM CO CZ Fort Carson, CO

That airspace extending upward from the surface to and including 8,400 feet MSL within a 4.3 mile radius of Butts Army Airfield (lat. 38°41'07"N., long. 104°45'52"W.), and within 2.2 miles each side of the 146° bearing from the Iron Horse NDB (lat. 38°40'42"N. long. 104°45'10"W.) extending from the 4.3-mile radius to 5 miles southeast of the airfield, excluding that airspace within a 5-mile radius of the Colorado Springs Municipal Airport, Colorado (lat. 38°48'43"N., long 104°42'40"W). This control zone is effective during the specific dates and times established in advance by Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory.

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Issued in Seattle, Washington, on August 21, 1992.

Helen M. Parke,

Assistant Manager, Air Traffic Division.

[FR Doc. 92–21119 Filed 9–1–92; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 71

[Airspace Docket No. 92–ANM–9]

Proposed Amendment of Transition Area; Akron, CO

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to amend the 700-foot and 1200-foot transition areas at Akron, Colorado, to provide controlled airspace for aircraft executing a new instrument approach procedure to the Akron-Washington County Airport, Akron, Colorado. The transition areas would be depicted on aeronautical charts for pilot reference.

DATES: Comments must be received on or before October 16, 1992.

ADDRESSES: Send comments on the proposal in triplicate to: Manager, System Management Branch, ANM–530, Federal Aviation Administration, Docket No. 92–ANM–9, 1601 Lind Avenue SW., Renton, Washington 98055–4056, Telephone: (206) 227–2536.

The official docket may be examined at the same address.

An informal docket may also be examined during normal business hours at the address listed above.

FOR FURTHER INFORMATION CONTACT: Ted Melland, ANM–536, Federal Aviation Administration, Docket No. 92–ANM–9, 1601 Lind Avenue SW., Renton, Washington 98055–4056, Telephone: (206) 227–2536.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments, as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy related aspects of the proposal. Communications should identify the airspace docket number and be submitted to the address listed above. Comments wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 92–ANM–9." The postcard will be date/time stamped and returned to the commenter. All communications received on or before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination at the address listed above both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, System Management Branch, ANM–530, 1601 Lind Avenue SW., Renton, Washington 98055–4056. Communications must identify the notice number of this NPRM. Persons interested in being placed on mailing list for future NPRM's should also request a copy of Advisory Circular No. 11–2A which describes the application procedure.

The Proposal

The FAA is considering an amendment to § 71.181 of part 71 of the Federal Aviation Regulations (14 CFR part 71) to amend the 700-foot and 1200-foot transition areas at Akron, Colorado, to provide controlled airspace for aircraft executing a new instrument approach procedure to Akron-Washington County Airport, Akron, Colorado. The proposed 700-foot transition area would be defined by a

6.1-mile radius around the Akron Washington County Airport. The proposed 1200-foot transition area would include the airspace extending upward from 1200 feet above the surface within an area bounded by a point beginning at lat. 40°06'35"N, long. 102°37'17"W; to lat. 39°42'28"N, long. 102°58'13"W; to lat. 40°00'15"N, long. 103°33'30"W; to lat. 40°24'30"N, long.103°13'50"W; thence to point of beginning. This action would accurately define controlled airspace and would be depicted on aeronautical charts for pilot reference. Transition areas are published in § 71.181 of Handbook 7400.7 effective November 1, 1991, which is incorporated by reference in 14 CFR 71.1. The transition area listed in this document would be published subsequently in the Handbook.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore, (1) is not a "major rule"under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Aviation safety, Transition areas, Incorporated by reference.

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

PART 71—[AMENDED]

1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. App. 1348(a), 1354(a), 1510; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., P. 389; 49 U.S.C. 106(g); 14 CFR 11.69.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.7, Compilation of Regulation, published April 30, 1991, and effective November 1, 1991 is amended as follows:

Section 71.181 Designation

* * * * *

ANM CO TA Akron, CO

That airspace extending upward from 700 feet above the surface within a 6.1 mile radius of Akron-Washington County Airport (lat. 40°10'32"N, long. 103°13'18"W); that airspace extending upward from 1200 feet above the surface within an area bounded by a point beginning at lat. 40°06'35"N, long. 102°37'17"W; to lat. 39°42'28"N, long. 102°58'13"W; to lat. 40°00'15"N, long. 103°33'30"W; to lat. 40°24'30", long. 103°13'50"W; thence to point of beginning.

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Issued in Seattle, Washington, on August 23, 1992.

Helen M. Parke,

Assistant Manager, Air Traffic Division.

[FR Doc. 92–21118 Filed 9–1–92; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 92–ASO–6]

Proposed Alteration to VOR Federal Airways; TN

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to reflect the change of the name of the Knoxville, TN, VHF Omnidirectional Range (VOR) within the legal descriptions of airways, jet routes, domestic low altitude reporting points, and high altitude reporting points located in the State of Tennessee. The Knoxville VOR is not located on the Knoxville Municipal Airport and the FAA has determined that the current name could lead pilots to some confusion as to their desired destination. The Knoxville VOR is actually located near the Knoxville Downtown Island Airport, which is a satellite airport. This action proposes, where necessary, to reflect the name change of the Knoxville VOR to "Volunteer."

DATES: Comments must be received on or before October 16, 1992.

ADDRESSES: Send comments on the proposal in triplicate to: Manager, Air Traffic Division, ASO–500, Docket No. 92–ASO–6, Federal Aviation Administration, Atlanta, GA 30320.

The official docket may be examined in the Rules Docket, Office of the Chief Counsel, room 916, 800 Independence Avenue, SW., Washington, DC, weekdays, except Federal holidays, between 8:30 a.m. and 5 p.m.

An informal docket may also be examined during normal business hours at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: Lewis W. Still, Airspace and Obstruction Evaluation Branch (ATP–240), Airspace-Rules and Aeronautical Information Division, Air Traffic Rules and Procedures Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone: (202) 267–9250.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify the airspace docket number and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 92–ASO–6." The postcard will be date/time stamped and returned to the commenter. All communications received on or before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Inquiry Center, APA–220, 800 Independence Avenue, SW., Washington, DC 20591, or by calling (202) 267–3485. Communications must identify the notice number of this NPRM. Persons

interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11-2A which describes the application procedure.

The Proposal

The FAA is considering an amendment to part 71 of the Federal Aviation Regulations (14 CFR part 71) to reflect the change of the name of the Knoxville, TN, VOR to the Volunteer, TN, VOR within the legal descriptions of airways, jet routes, domestic low altitude reporting points, and high altitude reporting points located in the State of Tennessee. The Knoxville, TN, VOR is not located on the Knoxville Municipal Airport and the FAA has determined that the current name could lead pilots to some confusion as to their desired destination. The Knoxville VOR is actually located near the Knoxville Downtown Island Airport, which is a satellite airport. This action proposes to reflect, where necessary, the name change of Knoxville, TN, VOR to "Volunteer." This action would aid pilots in flight planning. Domestic low altitude reporting points, high altitude reporting points, VOR Federal airways, and jet routes are published in §§ 71.123, 71.203, 71.207 and 75.100, respectively, of Handbook 7400.7 effective November 1, 1991, which is incorporated by reference in 14 CFR 71.1. The domestic low altitude reporting points, high altitude reporting points, VOR Federal airways, and jet routes listed in this document would be published subsequently in the Handbook.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Aviation safety, Domestic high altitude reporting points, Domestic low altitude reporting points, Domestic VOR Federal airways, Incorporation by reference, Jet routes.

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

PART 71—[AMENDED]

1. The authority citation for 14 CFR part 71 continues to read as follows:

Authority: 49 U.S.C. app. 1348(a), 1354(a), 1510; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389; 49 U.S.C. 106(g); 14 CFR 11.69.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.7, Compilation of Regulations, published April 30, 1991, and effective November 1, 1991, is amended as follows:

Section 71.123 Domestic VOR Federal Airways

* * * * *

V–16 [Revised]

From Los Angeles, CA; Paradise, CA; Palm Springs, CA; Blythe, CA; Buckeye, AZ; Phoenix, AZ; INT Phoenix 155° and Stanfield, AZ, 105° radials; Tucson, AZ; Cochise, AZ; Columbus, NM; EL Paso, TX; Salt Flat, TX; Wink, TX; INT Wink 066° and Big Spring, TX, 260° radials; Big Spring; Abilene, TX; Millsap, TX; Acton, TX; Scurry, TX; Quitman, TX; Texarkana, AR; Pine Bluff, AR; Holly Springs, MS; Jacks Creek, TN; Graham, TN; Nashville, TN; INT Nashville 102° and Hinch Mountain, TN, 285° radials; Hinch Mountain; Volunteer, TN; Holston Mountain, TN; Pulaski, VA; Roanoke, VA; Lynchburg, VA; Flat Rock, VA; Richmond, VA; INT Richmond 039° and Patuxent, MD, 228° radials; Patuxent; Smyrna, DE; Cedar Lake, NJ; Coyle, NJ; INT Coyle 036° and Kennedy, NY, 209° radials; Kennedy; Deer Park, NY; Calverton, NY; Norwich, CT; Boston, MA. The airspace within Mexico and the airspace below 2,000 feet MSL outside the United States is excluded. The airspace within Restricted Areas R–5002A, R–5002C and R–5002D is excluded during their times of use. The airspace within Restricted Areas R–4005 and R–4006 is excluded.

* * * * *

V–97 [Revised]

From Miami, FL, via La Belle, FL; St. Petersburg, FL; Tallahassee, FL; Pecan, GA; Atlanta, GA; INT Atlanta 001° and Volunteer, TN, 197° radials; Volunteer; London, KY; Lexington, KY; Cincinnati, OH; Shelbyville, IN, INT Shelbyville 313° and Boiler, IN, 136° radials; Boiler; Chicago Heights, IL; to INT Chicago Heights 358° and Chicago O'Hare, IL, 127° radials. From INT Northbrook, IL, 290° and Janesville, WI, 112° radials; Janesville; Lone Rock, WI; Nodine, MN; to Gopher, MN. The airspace below 2,000 feet MSL outside the United States is excluded.

* * * * *

V–115 [Revised]

From Crestview, FL; INT Crestview 001° and Montgomery, AL, 204° radials; Montgomery; INT Montgomery 323° and Vulcan, AL, 177° radials; Vulcan; Chattanooga, TN; Volunteer, TN; Hazard, KY; Charleston, WV; Parkersburg, WV; Newcomerstown, OH; INT Newcomerstown 038° and Franklin, PA, 239° radials; Franklin; Tidioute, PA; Jamestown, NY; Buffalo, NY.

* * * * *

V–136 [Revised]

From Nashville, TN; INT Nashville 085° and Hinch Mountain, TN, 306° radials; Hinch Mountain, INT Hinch Mountain 100° and Volunteer, TN, 243° radials; Volunteer; Snowbird, TN; Holston Mountain, TN; Pulaski, VA; INT Pulaski 094° and South Boston, VA, 295° radials; South Boston; Raleigh-Durham, NC; Fayetteville, NC; to Grand Strand, SC. The airspace at and above 7,000 feet MSL from 17 miles south to 38 miles south of Fayetteville is excluded during the time that the Gamecock A MOA is activated by NOTAM.

* * * * *

V–185 [Revised]

From Savannah, GA; Colliers, SC; Greenwood, SC; Sugarloaf Mountain, NC; Snowbird, TN; INT Snowbird 301° and Volunteer, TN, 069° radials; to Volunteer. The airspace within R–6004 is excluded.

* * * * *

V–267 [Revised]

From Biscayne Bay, FL; INT Biscayne Bay 340° amd Pahokee, FL, 150° radials; Pahokee; Orlando, FL; Craig, FL; Dublin, GA; Athens, GA; INT Athens 340° and Harris, GA, 148° radials; Harris; Volunteer, TN.

* * * * *

V–466 [Revised]

From Volunteer, TN, via INT Volunteer 050° and Glade Spring, VA, 246° radials; Glade Spring; to Pulaski, VA.

* * * * *

V–517 [Revised]

From Volunteer, TN; INT Volunteer 019° and London, KY, 141° radials; London; INT London 004° and Falmouth, KY, 164° radials; Falmouth; Cincinnati, OH; Cincinnati 336° and Richmond, IN, 190° radials; Richmond; to Dayton, OH.

* * * * *

V–519 [Revised]

From Volunteer, TN; via INT Volunteer 050° and Glade Spring, VA, 246° radials; Glade Spring; Bluefield, WV; to Beckley, WV.

* * * * *

Section 71.203 Domestic Low Altitude Reporting Points

* * * * *

Knoxville, TN [Remove]

Volunteer, TN [New]

* * * * *

Section 71.207 Domestic High Altitude Reporting Points

* * * * *

Knoxville, TN [Remove]

Volunteer, TN [New]

* * * * *

Section 71.607 Jet Routes

* * * * *

J–22 [Revised]

From Nuevo Laredo, Mexico, via Laredo, TX; Corpus Christi, TX; Palacios, TX; Lake Charles, LA; McComb, MS; Meridian, MS; Vulcan, AL; Volunteer, TN; Pulaski, VA; to Montebello, VA. The airspace within Mexico is excluded.

* * * * *

J–43 [Revised]

From Miami, FL, via LaBelle, FL; St. Petersburg, FL; Tallahassee, FL; Atlanta, GA; Volunteer, TN; Falmouth, KY; Rosewood, OH; Carleton, MI; to Sault Ste Marie, MI.

* * * * *

J–46 [Revised]

From Tulsa, OK, via Walnut Ridge, AR; Nashville, TN; to Volunteer, TN.

* * * * *

J–91 [Revised]

From INT Orlando, FL, 252° and Cross City, FL, 136° radials; Cross City; INT Cross City 338° and Atlanta, GA, 169° radials; Atlanta; Volunteer, TN; Henderson, WV; to Bellaire, OH.

* * * * *

J–99 [Revised]

From Colliers, SC, via Volunteer, TN; to Louisville, KY.

* * * * *

Issued in Washington, DC, on August 25, 1992.

Harold W. Becker,

Manager, Airspace-Rules and Aeronautical Information Division.

[FR Doc. 92–21099 Filed 9–1–92; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 71

[Airspace Docket No. 92–ANM–17]

Proposed Amendment, Livingston Transition Area; Livingston, MT

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to amend the Livingston, Montana, 700-foot and 1,200-foot Transition Areas. Additional controlled airspace is necessary for aircraft executing a revised instrument procedure at Mission Field Airport, Livingston, Montana. The areas would be depicted on aeronautical charts to provide reference for pilots.

DATES: Comments must be received on or before November 1, 1992.

ADDRESSES: Send comments on the proposal in triplicate to: Manager, System Management Branch, ANM–530, Federal Aviation Administration, Docket No. 92–ANM–17, 1601 Lind Avenue SW., Renton, Washington 98055-4056, telephone: (206) 227–2530.

The official docket may be examined at the same address.

An informal docket may also be examined during normal business hours at the address listed above.

FOR FURTHER INFORMATION CONTACT: James Riley, ANM–537, Federal Aviation Administration, Docket No. 92–ANM–17, 1601 Lind Avenue S.W., Renton, Washington 98055–4056, telephone: (206) 227–2537.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify the airspace docket number and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 92–ANM–17." The postcard will be date/time stamped and returned to the commenter. All communications received on or before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of comments received. All comments submitted will be available for examination at the address listed above both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, System Management Branch, ANM–530, 1601 Lind Avenue SW., Renton, Washington 98055–4056. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11–2A which describes the application procedure.

The Proposal

The FAA is considering an amendment to part 71 of the Federal Aviation Regulations (14 CFR part 71) to revise the 700-foot and 1200-foot transition areas at Livingston, Montana, to provide controlled airspace for aircraft executing a revised instrument approach procedure to Mission Field Airport, Livingston, Montana. The proposal would provide additional controlled airspace necessary to encompass the revised instrument approach procedure at Mission Field Airport. The area would be depicted on aeronautical charts for pilot reference. Transition areas are published in § 71.181 of Handbook 7400.7 effective November 1, 1991, which is incorporated by reference in 14 CFR 71.1. The transition areas listed in this document would be published subsequently in the Handbook.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore, (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Aviation safety, Incorporation by reference, Transition areas.

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration

proposes to amend 14 CFR part 71 as follows:

PART 71—[AMENDED]

1. The authority citation for 14 CFR part 71 continues to read as follows:

Authority: 49 U.S.C. App. 1348(a), 1354(a), 1510; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., P. 389; 49 U.S.C. 106(g); 14 CFR 11.69.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.7, Compilation of Regulations, published April 30, 1991, and effective November 1, 1991 is amended as follows:

Section 71.181 Designation

* * * * *

ANM MT TA Livingston, MT [Revised]

That airspace extending upward from 700 feet above the surface within 8 nautical miles west and 4 nautical miles east of the Livingston VORTAC 340 degree radial, extending from the VORTAC to 20 nautical miles north of the VORTAC and within 2.2 nautical miles each side of the Livingston 085 degree radial, extending from a 4.4 nautical mile radius circle centered on Mission Field Airport, Livingston, Montana, (Lat. 45°42'09" N, long. 110°26'47" W) to 7.9 nautical miles east of the VORTAC; that airspace extending upward from 1,200 feet above the surface within 5.3 nautical miles south and 8.3 nautical miles north of the Livingston VORTAC 085 and 265 degree radials, extending from 6.1 nautical miles west to 18.3 nautical miles east of the VORTAC.

* * * * *

Issued in Seattle, Washington, on August 21, 1992.

Helen M. Parke,

Assistant Manager, Air Traffic Division.

[FR Doc. 92–21122 Filed 9–1–92; 8:45 am]

BILLING CODE 4910–13–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[CA14–5–5493; FRL–4201–4]

Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision; San Joaquin Valley Unified Air Pollution Control District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of proposed rulemaking.

SUMMARY: EPA is proposing to approve revisions to the California State Implementation Plan (SIP) adopted by the San Joaquin Valley Unified Air Pollution Control District (SJVUAPCD) on April 11, 1991 and September 19, 1991. The California Air Resources Board submitted these revisions to EPA on May 30, 1991 and January 28, 1992. The revisions concern the adoption of SJVUAPCD's Rule 461.2, Vegetable Oil Processing Operations, and SJVUAPCD's Rule 460.4, Can and Coil Coating Operations. Both of these rules control the emissions of volatile organic compounds (VOCs) from their respective operations. EPA has evaluated each of these rules and is proposing to approve them under 110(k)(3) as meeting the requirements of Section 110(a) and part D of the Clean Air Act, as amended in 1990 (CAA or the Act).

DATES: Comments must be received on or before October 2, 1992.

ADDRESSES: Comments may be mailed to: Esther Hill, Northern California, Nevada and Hawaii Rulemaking Section (A–5–4), Air and Toxics Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105.

Copies of the rule revisions and EPA's evaluation report for each rule are available for public inspection at EPA's Region 9 office during normal business hours. Copies of the submitted rule revisions are also available for inspection at the following locations:

California Air Resources Board, Stationary Source Division, Rule Evaluation Section, 1219 "K" Street, Sacramento, CA 95814.

San Joaquin Valley Unified Air Pollution Control District, 1745 West Shaw, suite 104, Fresno, CA 93711.

FOR FURTHER INFORMATION CONTACT: Wendy Colombo, Northern California, Nevada and Hawaii Rulemaking Section (A–5–4), Air and Toxics Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105, Telephone: (415) 744–1190, FAX: (415) 744–1076.

SUPPLEMENTARY INFORMATION:

Background

On March 3, 1978, EPA promulgated a list of ozone nonattainment areas under the provisions of the Clean Air Act, as amended in 1977 (1977 CAA), that included the following eight air pollution control districts (APCDs): Fresno County APCD, Kern County, APCD,[1] Kings County APCD, Madera County APCD, Merced County APCD, San Joaquin County APCD, Stanislaus County APCD, and Tulare County APCD. 43 FR 8964, 40 CFR 81.305. Because these areas were unable to meet the statutory attainment date of December 31, 1982, California requested, and EPA approved, an extension of the attainment date to December 31, 1987.[2] 1977 CAA section 172(a)(2). On May 26, 1988, EPA notified the Governor of California that the above districts' portions of the California SIP were inadequate to attain and maintain the ozone standard and requested that deficiencies in the existing SIP be corrected (EPA's SIP-Call). On November 15, 1990, the Clean Air Act Amendments of 1990 were enacted. Public Law 101–549, 104 Stat. 2399, codified at 42 U.S.C. 7401–7671q. In amended section 182(a)(2)(A) of the CAA, Congress statutorily adopted the requirement that nonattainment areas fix their deficient reasonably available control technology (RACT) rules for ozone and established a deadline of May 15, 1991 for states to submit corrections of those deficiencies.

On March 20, 1991, the San Joaquin Valley Unified Air Pollution Control District (SJVUAPCD) was formed. The SJVUAPCD has authority over the San Joaquin Valley Air Basin which includes all of the above eight counties except for the Southeast Desert Air Basin portion of Kern County. Thus, the Kern County Air Pollution Control District (KCAPCD) still exists, but only has authority over the Southeast Desert Air Basin portion of Kern County.

Section 182(a)(2)(A) applies to areas designated as nonattainment prior to enactment of the amendments and classified as marginal or above as of the date of enactment. It requires such areas to adopt and correct RACT rules pursuant to pre-amended section 172(b) as interpreted in pre-amendment guidance.[3] EPA's SIP-Call used that

[1] At that time, Kern County included portions of two air basins: the San Joaquin Valley Air Basin and the Southeast Desert Air Basin. The San Joaquin Valley Air Basin portion of Kern County was designated as nonattainment, and the Southeast Desert Air Basin portion of Kern County was designated as unclassified. See 40 CFR 81.305 (1991).

[2] This extension was not requested for Kings, Kern, Madera, Merced, and Tulare Counties. Thus, these County's attainment dates remained December 31, 1982.

[3] Among other things, the pre-amendment guidance consists of those portions of the proposed Post-1987 ozone and carbon monoxide policy that concern RACT, 52 FR 45044 (November 24, 1987); "Issues Relating to VOC Regulation Cutpoints, Deficiencies, and Deviations, Clarification to Appendix D of November 24, 1987 **Federal Register** Notice" (Blue Book) (notice of availability was published in the **Federal Register** on May 25, 1988); and the existing control technique guidelines (CTGs).

guidance to indicate the necessary corrections for specific nonattainment areas. APCDs found in the San Joaquin Valley Air Basin (now collectively known as the SJVUAPCD) were subject to the RACT fix-up requirement and the May 15, 1991 deadline.[4] KCAPCD was subject to EPA's SIP-Call, but was not subject to the RACT fix-up requirement and the May 15, 1991 deadline.[5]

The State of California submitted many revised RACT rules for incorporation into its SIP on May 30, 1991 and January 28, 1992, including the rules being acted on in this notice. This notice addresses EPA's proposed action for SJVUAPCD's Rule 461.2, Vegetable Oil Processing Operations, and SJVUAPCD's Rule 460.4, Can and Coil Coating Operations. These submitted rules were found to be complete on July 10, 1991 and April 3, 1992 pursuant to EPA's completeness criteria set forth in 40 CFR Part 51 Appendix V [6] and are being proposed for approval into the SIP.

Both rules control the emission of VOCs, which contribute to the production of ground level ozone and smog. The rules were adopted as part of the district's effort to achieve the National Ambient Air Quality Standards (NAAQS) for ozone and in response to EPA's SIP-Call and the section 182(a)(2)(A) CAA requirement. The following is EPA's evaluation and proposed action for these two rules.

EPA Evaluation and Proposed Action

In determining the approvability of a VOC rule, EPA must evaluate the rule for consistency with the requirements of the CAA and EPA regulations, as found in section 110 and Part D of the CAA section and 40 CFR part 51 (Requirements for Preparation, Adoption, and Submittal of Implementation Plans). The EPA interpretation of these requirements, which forms the basis for today's action, appears in the various EPA policy guidance documents listed in footnote 3. Among those provisions is the requirement that a VOC rule must, at a minimum, provide for the implementation of RACT for stationary sources of VOC emissions. This requirement was carried forth from the pre-amended Act.

For the purpose of assisting state and local agencies in developing RACT rules, EPA prepared a series of CTG documents. The CTGs are based on the underlying requirements of the Act and specify the presumptive norms for what is RACT for specific source categories. Under the CAA, Congress ratified EPA's use of these documents, as well as other Agency policy, for requiring States to "fix-up" their RACT rules. See section 182(a)(2)(A). The CTG applicable to SJVUAPCD's Rule 460.4 is entitled, "Surface Coating Volume II—Surface Coating of Cans, Coils, Paper, Fabrics, Automobiles, and Light-Duty Trucks" (EPA document # EPA–450/2–77–008). For some emission categories, such as vegetable oil processing, EPA did not publish a CTG. In such cases, the District will make a determination of what controls are required to satisfy the RACT requirement, by reviewing the operations of facilities within the affected source category. Additionally, for both CTG and non-CTG rules, the District may rely on EPA policy documents, such as the Blue Book, to ensure that the adopted VOC rules are fully enforceable and strengthen or maintain the SIP.

SJVUAPCD Rule 461.2 is a new rule (for all of the eight districts that were combined to form SJVUAPCD) adopted to control VOC emissions from vegetable oil manufacturing operations and, as such, it strengthens the SIP. The rule accomplishes this by specifying equipment requirements for the extractor or desolventizer-toaster (DT) and by regulating leaks from equipment in organic service.

SJVUAPCD's Rule 460.4, Can and Coil Coating Operations, is a revision of the following four SIP rules regulating VOC emissions from these source categories: Kings County APCD's Rule 410.3; Merced County APCD's Rule 409.6; San Joaquin County APCD's Rule 409.6; and Stanislaus County APCD's Rule 409.6. The revisions include the specification of test methods, the addition of recordkeeping requirements, and the requirement for operation and maintenance plans. EPA Region IX's technical support document provides a more detailed discussion of the revisions.

EPA has evaluated the two submitted rules and has determined that they are consistent with the CAA, EPA regulations, and EPA policy. Therefore, SJVUAPCD's Rule 461.2 and Rule 460.4 are being proposed for approval under section 110(k)(3) of the CAA as meeting the requirements of section 110(a) and Part D.

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request for revision to any state implementation plan. Each request for revision to the state implementation plan shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

Regulatory Process

Under the Regulatory Flexibility Act, 5 U.S.C. Section 600 et seq., EPA must prepare a regulatory flexibility analysis assessing the impact of any proposed or final rule on small entities. 5 U.S.C. 603 and 604. Alternatively, EPA may certify that the rule will not have a significant impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises and government entities with jurisdiction over populations of less than 50,000.

SIP approvals under sections 110 and Part D of the CAA do not create any new requirements, but simply approve requirements that the State is already imposing. Therefore, because the federal SIP-approval does not impose any new requirements, it does not have a significant impact on any small entities affected. Moreover, due to the nature of the federal-state relationship under the CAA, preparation of a regulatory flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The CAA forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co.* v. *U.S. E.P.A.*, 427 U.S. 246, 256–66 (S.Ct. 1976); 42 U.S.C. 7410(a)(2).

This action has been classified as a Table 2 action by the Regional Administrator under the procedures published in the Federal Register on January 19, 1989 (54 FR 2214–2225). On January 6, 1989, the Office of Management and Budget (OMB) waived Table 3 SIP revisions (54 FR 2222) from the requirements of Section 3 of Executive Order 12291 for a period of two years. EPA has submitted a request for a permanent waiver for Table 2 and Table 3 SIP revisions. OMB has agreed to continue the temporary waiver until such time as it rules on EPA's request.

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[4] The San Joaquin Valley Air Basin retained its designation of nonattainment and was classified as serious by operation of law pursuant to section 107(d) and section 181(a) upon the date of enactment of the Clean Air Act Amendments of 1990. See 56 FR 56694 (November 6, 1991).

[5] KCAPCD was not subject to the RACT fix-up requirement and the May 15, 1991 deadline because the Southeast Desert Air Basin portion of Kern County was not a pre-enactment nonattainment area, and thus, was not automatically designated nonattainment on the date of enactment of the Clean Air Act Amendments of 1990. (See section 107(d) and section 182(a)(2)(A) of the Clean Air Act Amendments of 1990.) However, the KCAPCD is still subject to the requirements of EPA's SIP-Call because the SIP-Call included all of Kern County. The substantive requirements of the SIP-Call are the same as those of the statutory RACT fix-up requirement.

[6] EPA has since adopted completeness criteria pursuant to section 110(k)(1)(A) of the CAA. See 56 FR 42216 (August 26, 1991).

List of Subjects in 49 CFR Part 52

Air pollution control, Hydrocarbons, Intergovernmental relations, ozone, Reporting and recordkeeping requirements.

Authority: 42 U.S.C. 7401–7671q.

Dated: August 25, 1992.

Nora L. McGee,

Acting Regional Administrator.

[FR Doc. 92–21144 Filed 9–1–92; 8:45 am]

BILLING CODE 6560–50–M

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40 CFR Part 52

[CA–11–2–5406; FRL–4201–3]

Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision; Bay Area Air Quality Management District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of proposed rulemaking.

SUMMARY: EPA is proposing a limited disapproval of a new rule submitted to revise the California State Implementation Plan (SIP); the rule was adopted by the Bay Area Air Quality Management District (Bay Area AQMD) on September 20, 1989. The California Air Resources Board submitted this new rule to EPA on December 31, 1990. The new rule concerns Bay Area AQMD Regulation 8, Organic Compounds, Rule 42, Large Commercial Bread Bakeries Rule (8–42), which controls the emission of volatile organic compounds (VOCs) from large commercial bread bakeries. EPA has evaluated Rule 8–42 and is proposing a limited approval under sections 110(k)(3) and 301(a) of the Clean Air Act, as amended in 1990 (CAA or the Act) because this new rule will strengthen the SIP. At the same time, EPA is proposing a limited disapproval under section 110(k)(3) of the CAA because the rule does not meet the part D, section 182(a)(2)(A) requirement of the CAA.

DATES: Comments must be received on or before October 2, 1992.

ADDRESSES: Comments may be mailed to: Esther J. Hill, Northern California, Nevada and Hawaii, Rulemaking Section (A–5–4), Air and Toxics Division, Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105.

A copy of the rule and EPA's evaluation report is available for public inspection at EPA's Region IX office during normal business hours. A copy of the submitted rule is also available for inspection at the following locations:

California Air Resources Board, Stationary Source Division, Rule Evaluation Section, 1219 "K" Street, Sacramento, CA 95814.

Bay Area Air Quality Management District, 939 Ellis Street, San Francisco, CA 94109.

FOR FURTHER INFORMATION CONTACT: Christine D. Vineyard, Southern California and Arizona, Rulemaking Section (A–5–3), Air and Toxics Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105, Telephone: (415) 744–1195, FAX: (415) 744–1076.

SUPPLEMENTARY INFORMATION:

Background

On March 3, 1978, EPA promulgated a list of ozone nonattainment areas under the provisions of the 1977 Clean Air Act (1977 CAA or the 1977 Act) that included the San Francisco-Bay Area. 43 FR 8964, 40 CFR 81.305. Because the San Francisco-Bay Area was unable to reach attainment by the statutory attainment date of December 31, 1982, California requested, and EPA approved, an extension of the attainment date to December 31, 1987. 40 CFR 52.238. The San Francisco-Bay Area did not attain the ozone standard by the approved attainment date. On May 26, 1988, EPA notified the Governor of California that the Bay Area AQMD's portion of the California State Implementation Plan (SIP) was inadequate to attain and maintain the ozone standard and requested that deficiencies in the existing SIP be corrected (EPA's SIP-Call). On November 15, 1990, amendments to the 1977 CAA were enacted. Public Law 101–549, 104 Stat. 2399, codified at 42 U.S.C. 7401–7671q. In amended section 182(a)(2)(A) of the CAA, Congress statutorily adopted the requirement that nonattainment areas fix their deficient reasonably available control technology (RACT) rules for ozone and established a deadline of May 15, 1991 for states to submit corrections of those deficiencies.

Section 182(a)(2)(A) applies to areas designated as nonattainment prior to enactment of the amendments and classified as marginal or above as of the date of enactment. It requires such areas to adopt and correct RACT rules pursuant to pre-amended section 172(b) as interpreted in pre-amended guidance.[1] EPA's SIP-Call used that guidance to indicate the necessary corrections for specific nonattainment areas. The San Francisco-Bay Area is classified as moderate[2], therefore, this area is subject to the RACT fix-up requirement and the May 15, 1991 deadline.

The State of California submitted many revised RACT rules to EPA for incorporation into its SIP on December 31, 1990, including the rule being acted on in this notice. This notice addresses EPA's proposed action for Rule 8–42, Large Commercial Bread Bakeries. This submitted rule was found to be complete on February 28, 1991 pursuant to EPA's completeness criteria adopted on February 16, 1990 (55 FR 5830) and set forth in 40 CFR Part 51, Appendix V [3] and is being proposed for limited approval and limited disapproval.

Rule 8–42 controls the emission of volatile organic compounds (VOCs) from large commercial bread bakeries. VOCs contribute to the production of ground level ozone and smog. Rule 8–42 is a new rule which has been adopted to meet EPA's SIP-Call and the section 182(a)(2)(A) CAA requirement. The following is EPA's evaluation and proposed action for Bay Area AQMD's Rule 8–42.

EPA Evaluation and Proposed Action

In determining the approvability of a VOC rule, EPA must evaluate the rule for consistency with the requirements of the CAA and EPA regulations, as found in section 110 and Part D of the CAA and 40 CFR part 51 (Requirements for Preparation, Adoption, and Submittal of Implementation Plans). The EPA interpretation of these requirements, which forms the basis for today's action, appears in the various EPA policy guidance document listed in footnote 1. Among those provisions is the requirement that a VOC rule must, at a minimum, provide for the implementation of RACT for stationary sources of VOC emissions. This requirement was carried forth from the pre-amended Act.

For the purpose of assisting state and local agencies in developing RACT rules, EPA prepared a series of Control Technique Guideline (CTG) documents. The CTGs are based on the underlying requirements of the Act and specify the

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[1] Among other things, the pre-amended guidance consists of those portions of the proposed Post-1987 ozone and carbon monoxide policy that concern RACT, 52 FR 45044 (November 24, 1987); "Issues Relating to VOC Regulation Cutpoints, Deficiencies, and Deviations, Clarification to Appendix D of November 24, 1987 **Federal Register** Notice" (The Blue Book) (notice of availability was published in the **Federal Register** on May 25, 1988); and the existing control technique guidelines (CTGs).

[2] Upon the date of enactment of the amendments, the designation of San Francisco-Bay Area as nonattainment continued under section 107(d) and the Area was classified by operation of law, pursuant to section 181(a), as moderate. See 56 FR 56694 (November 8, 1991).

[3] EPA has since adopted completeness criteria pursuant to section 110(k)(1)(A) of the amended Act. See 56 FR 42216 (August 26, 1991).

presumptive norms for what is RACT for specific source categories. Under the CAA, Congress ratified EPA's use of these documents as well as other Agency policy, for requiring states to "fix-up" their RACT rules. See section 182 (a)(2)(A). Since no CTG that was applicable to this manufacturing operation existed, the District made a determination of what controls are required to satisfy the RACT requirement, by reviewing the operations of facilities within the affected source category. In that review, the technological and economic feasibility of the proposed controls were considered. Additionally, the District may rely on EPA policy documents, such as the Blue Book, to ensure that VOC rules are fully enforceable and strengthen or maintain the SIP.

Bay Area AQMD's Rule 8–42, Large Commercial Bread Bakeries, is a new rule which was adopted to control emissions of VOCs from large commercial bread bakeries. EPA has evaluated this submitted Rule 8–42 for consistency with the CAA, EPA regulations, and EPA Policy and has found that the submitted rule will address and correct the deficiencies previously identified by EPA. This new rule will strengthen the SIP.

Although the approval of Bay Area AQMD's Rule 8–42 will strengthen the SIP, this rule still contains two deficiencies which were required to be corrected pursuant to the section 182(a)(2)(A) requirement of Part D of the CAA. The rule does not require the source to maintain records to demonstrate that it is a small bakery, nor that the source contains a low emitting oven or an existing oven and is therefore exempt from the rule. The source must be required to keep the appropriate records to document exemptions and to allow compliance to be determined. And the rule referenced test method ST–32 for determination of emissions (Ethanol) which has not been approved by EPA. Because of these deficiencies, the rule is not approvable pursuant to section 182(a)(2)(A) of the CAA because it is not consistent with the interpretation of section 172 of the 1977 CAA as found in the Blue Book and may lead to rule enforceability problems.

Because of the above deficiencies, EPA cannot grant full approval of this rule under section 110(k)(3) and Part D. Also, because the submitted rule is not composed of separable parts which meet all the applicable requirements of the CAA, EPA cannot grant partial approval of the rule under section 110)k)(3). However, EPA may grant a limited approval of the submitted rule under section 110(k)(3) in light of EPA's authority pursuant to section 301(a) to adopt regulations necessary to further air quality by strengthening the SIP. The approval is limited in the sense that while the rule strengthens the SIP, it does not meet the section 182(a)(2)(A) requirement of Part D because of the noted deficiencies. Thus, in order to strengthen the SIP, EPA is proposing a limited approval of Bay Area AQMD's submitted Rule 8–42 under sections 110(k)(3) and 301(a) of the CAA.

At the same time, EPA is also proposing a limited disapproval of this rule because it contains deficiencies that have not been corrected as required by section 182(a)(2)(A) of the CAA, and, as such, the rule does not fully meet the requirements of Part D of the Act. Under section 179(a)(2), if the Administrator disapproves a submission under section 110(k) for an area designated nonattainment, based on the submission's failure to meet one or more of the elements required by the Act, the Administrator must apply one of the sanctions set forth in section 179(b) unless the deficiencies have been corrected within 18 months of such disapproval. Section 179(b) provides two sanctions available to the Administrator: Restrictions on highway funding and modified offsets. The 18 month period referred to in section 179(a) will begin at the time EPA publishes final notice of this disapproval. Moreover, final disapproval will trigger the federal implementation plan (FIP) requirement under section 110(c).

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request for revision to any state implementation plan. Each request for revision to the state implementation plan shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

Regulatory Process

Under the Regulatory Flexibility Act, 5 U.S.C. Section 600 et. seq., EPA must prepare a regulatory flexibility analysis assessing the impact of any proposed or final rule on small entities. 5 U.S.C. 603 and 604. Alternatively, EPA may certify that the rule will not have a significant impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and government entities with jurisdiction over populations of less than 50,000.

Limited approvals under sections 110 and 301, and subchapter I, Part D of the CAA do not create any new requirements, but simply approve requirements that the State is already imposing. Therefore, because the federal SIP-approval does not impose any new requirements, I certify that it does not have a significant impact on any small entities affected. Moreover, due to the nature of the federal-state relationship under the CAA, preparation of a regulatory flexibility analysis would constitute federal inquiry into the economic reasonableness of state action. The CAA forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co.* v. *U.S. E.P.A.*, 427 U.S. 246, 256–66 (S. Ct. 1976); 42 U.S.C. 7410 (a)(2).

EPA's limited disapproval of the State request under sections 110 and 301, and subchapter I, Part D of the CAA does not affect any existing requirements applicable to small entities. Any pre-existing federal requirements remain in place after this disapproval. Federal disapproval of the state submittal does not affect its state-enforceability. Moreover, EPA's disapproval of the submittal does not impose any new federal requirements. Therefore, EPA certifies that this disapproval action does not have a significant impact on a substantial number of small entities because it does not remove existing requirements nor does it impose any new federal requirements.

This action has been classified as a Table 2 action by the Regional Administrator under the procedures published in the **Federal Register** on January 19, 1989 (54 FR 2214–2225). On January 6, 1989, the Office of Management and Budget (OMB) waived Table 2 and Table 3 SIP revisions (54 FR 2222) from the requirements of Section 3 of Executive Order 12291 for a period of two years. EPA has submitted a request for a permanent waiver for Table 2 and Table 3 SIP revisions. OMB has agreed to continue the temporary waiver until such time as it rules on EPA's request.

List of Subjects in 40 CFR Part 52

Air pollution control, Hydrocarbon, Intergovernmental relations, Ozone, Reporting and recordkeeping requirements.

Authority: 42 U.S.C. 7401–7671q.

Dated: August 25, 1992.

Nora L. McGee,

Acting Regional Administrator.

[FR Doc. 92–21145 Filed 9–1–92; 8:45 am]

BILLING CODE 6560–50–M

40 CFR Part 180

[PP 2E4074/P548; FRL-4081-9]

RIN 2070-AC18

Lagenidium Giganteum; Proposed Exemptions From Requirement of Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This document proposes that exemptions from the requirement of a tolerance be established for residues of *Lagenidium giganteum* (a fungal organism) on the raw agricultural commodities grass forage and hay, rice grain and straw, soybeans, soybean forage and hay, and wild rice when used as a biological pesticide in accordance with good agricultural practices to control mosquito larvae. This regulation was requested in a petition submitted by the Interregional Research Project No. 4 (IR-4).

DATES: Comments, identified by the document control number [PP 2E4074/P548], must be received on or before October 2, 1992.

ADDRESSES: By mail, submit written comments to: Public Response and Program Resources Branch, Field Operations Division (H7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, bring comments to: Rm. 1128, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202. Information submitted as a comment concerning this document may be claimed confidential by marking any part or all of that information as "Confidential Business Information" (CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the comment that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice. All written comments will be available for public inspection in Rm. 1128 at the address given above, from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays.

FOR FURTHER INFORMATION CONTACT: By mail: Hoyt L. Jamerson, Emergency Response and Minor Use Section (H7505C), Registration Division, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm. 716, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA 22202, (703) 305-5310.

SUPPLEMENTARY INFORMATION: The Interregional Research Project No. 4 (IR-4), New Jersey Agricultural Experiment Station, P.O. Box 231, Rutgers University, New Brunswick, NJ 08903, has submitted pesticide petition 2E4074 to EPA on behalf of the Agricultural Experiment Station of California and the Department of Health Services of the State of California. This petition requested that the Administrator, pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a(e)), establish exemptions from the requirement of a tolerance for residues of *Lagenidium giganteum* in or on the raw agricultural commodities pasture grass, rice, soybeans, and wild rice.

The Lagenidialies, or water molds, consist of a small group of aquatic fungi that are parasitic on algae, other water molds, and small aquatic animal life, including certain species of the *Anopheles* and *Culex* mosquito larvae. The fungus develops within the body of the infected larvae and asexually produces motile spores that infect other larvae. When conditions are dry, the fungus reproduces sexually to form dormant spores. Available information indicate that the dormant spores germinate when exposed to water to form motile spores that infect newly hatched mosquito larvae.

The data submitted in the petition and other relevant material have been evaluated. The toxicological data considered in support of the proposed exemptions from the requirement of a tolerance include acute oral toxicity/pathogenicity, acute intravenous toxicity, and acute intraperitoneal infection studies. The studies, which were performed using rats, indicate that the biological pesticide is not toxic to, infective in, or pathogenic to rats by oral, intravenous, or intraperitoneal routes of exposure. There are no reports in the literature of any Lagenidialies infecting vertebrate animals, including man.

Reference dose considerations are not relevant to this petition due to the lack of demonstrated toxicity, host specificity, and natural occurrence of *Lagenidium giganteum*. An analytical method for enforcement purposes is not needed since no enforcement actions are expected.

Although products containing *Lagenidium giganteum* are currently registered by EPA for control of certain species of *Anopheles* and *Culex* mosquito larvae on aquatic noncrop sites, the proposed exemptions from the requirement of a tolerance are the first tolerance exemptions for this pesticide. *Lagenidium giganteum* is considered useful for the purpose for which the exemptions are sought.

Based on the above information considered by the Agency the tolerance exemptions established by amending 40 CFR 180.1113 would protect the public health. Therefore, it is proposed that the tolerance exemptions be established as set forth below.

Any person who has registered or submitted an application for registration of a pesticide, under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended, which contains any of the ingredients listed herein, may request within 30 days after publication of this document in the **Federal Register** that this rulemaking proposal be referred to an Advisory Committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on the proposed regulation. Comments must bear a notation indicating the document control number, [PP 2E4074/P548]. All written comments filed in response to this petition will be available in the Public Response and Program Resources Branch, at the address given above from 8 a.m. to 4 p.m., Monday through Friday, except legal holidays.

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-354, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

List of Subjects in 40 CFR Part 180

Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: August 13, 1992.

Anne E. Lindsay,

Director, Registration Division, Office of Pesticide Programs.

Therefore, it is proposed that 40 CFR part 180 be amended as follows:

PART 180—[AMENDED]

1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 346a and 371.

2. In subpart D, by adding new § 180.1113, to read as follows:

§ 180.1113 Lagenidium giganteum; exemption from the requirement of a tolerance.

Lagenidium giganteum (a fungal organism) is exempt from the requirement of a tolerance in or on the raw agricultural commodities grasses, forage and hay; rice, grain and straw; soybeans; soybean, forage and hay; and wild rice.

[FR Doc. 92-21026 Filed 9-1-92; 8:45 am]
BILLING CODE 6560-50-F

40 CFR Part 180

[PP 0E3836/P549; FRL-4082-1]

RIN 2070-AC18

Pesticide Tolerances for O-Ethyl S-Phenyl Ethylphosphonodithioate

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This document proposes that tolerances be established for residues of the insecticide *O*-ethyl *S*-phenyl ethylphosphonodithioate, including its oxygen analog (*O*-ethyl *S*-phenyl ethylphosphonothioate), in or on the raw agricultural commodities bananas and plantains. The proposed regulation to establish maximum permissible levels for residues of the insecticide and its oxygen analog in or on the commodities was requested in a petition submitted by the Interregional Research Project No. 4 (IR-4).

DATES: Comments, identified by the document control number [PP 0E3836/P549], must be received on or before October 2, 1992.

ADDRESSES: By mail, submit written comments to: Public Response and Program Resources Branch, Field Operations Division (H7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, bring comments to: Rm. 1128, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202. Information submitted as a comment concerning this document may be claimed confidential by marking any part or all of that information as "Confidential Business Information" (CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the comment that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice. All written comments will be available for public inspection in Rm. 1128 at the address given above, from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays.

FOR FURTHER INFORMATION CONTACT: By mail: Hoyt L. Jamerson, Emergency Response and Minor Use Section (H7505C), Registration Division, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm. 718C, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202, 703-305-5310.

SUPPLEMENTARY INFORMATION: The Interregional Research Project No. 4 (IR-4), New Jersey Agricultural Experiment Station, P.O. Box 231, Rutgers University, New Brunswick, NJ 08903, has submitted pesticide petition (PP) 0E3836 to EPA on behalf of the Agricultural Experiment Station of Puerto Rico. This petition requested that the Administrator, pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a(e)), propose the establishment of tolerances for residues of the insecticide *O*-ethyl *S*-phenyl ethylphosphonodithioate, including its oxygen analog (*O*-ethyl *S*-phenyl ethylphosphonothioate), in or on the raw agricultural commodities bananas and plantains at 0.1 part per million (ppm).

The data submitted in the petition and other relevant material have been evaluated. The toxicological data considered in support of the proposed tolerances include:

1. A 2-year feeding/carcinogenicity study in rats fed diets containing 4, 15, and 60 ppm (equivalent to 0.2, 0.75, and 3 milligrams(mg)/kilograms (kg) of body weight (bw)/day) with a systemic no-observed-effect-level (NOEL) of 15 ppm (0.75 mg/kg/day) based on cholinesterase (ChE) inhibition (brain, serum and erythrocyte) and a decrease in body weights and body weight gain. There were no carcinogenic effects observed under the conditions of the study.

2. A carcinogenicity study in mice fed diets containing 0, 5, 25, and 100 ppm (equivalent to 0, 0.75, 3.75 and 15 mg/kg/day) with a systemic NOEL of 5 ppm based on ChE inhibition, hyperplasia and hypertrophy of the duodenum, and reductions in body weights and gains. No carcinogenic effects were observed under the conditions of the study.

3. A 2-year feeding study in dogs (supplementary data) fed diets containing 8, 60, and 240 ppm (equivalent to 0.2, 1.5, and 6 mg/kg/day) with a NOEL for systemic effects and ChE inhibition of 8 ppm. Cholinergic symptoms and systemic effects (increased relative liver weight and decreased body weight) were observed in dogs fed diets containing 60 ppm.

4. A three-generation reproduction study in rats with reproductive and fetotoxic NOELs greater than 31.6 ppm (1.58 mg/kg/day). Levels tested were 10 and 31.6 ppm (0.5 and 1.58 mg/kg/day).

5. A developmental toxicity study in mice (Charles River strain) given gavage doses of 0, 2, 4, 6, and 8 mg/kg/day with a fetotoxic NOEL of 4 mg/kg/day based on sternebral malalignment and slight dilation of the fourth cerebral ventricles, and a maternal NOEL of 6 mg/kg/day based on symptoms of neurotoxicity. There was no evidence of developmental toxicity observed under the conditions of the study.

6. Mutagenicity studies including gene mutation assays in human cells and microorganisms, negative with and without metabolic activation; cytogenetic (*in vitro* in human lymphocytes), negative with and without metabolic activation; micronucleus assay (mice), negative; and an Ames assay, negative with and without activation.

7. A neurotoxicity study in chickens with a NOEL of 6.32 mg/kg. Effects observed at 20 mg/kg include slow locomotion, curling under of the toes, squatting, loss of equilibrium, and possible demyelination of peripheral nerves in one chicken.

8. A metabolism study in male rats given single oral doses of 2.0, 4.0, or 8.0 mg/kg/day which showed elimination of greater than 94 percent in urine and feces at 48 hours.

A provisional reference dose (RfD) is established at 0.002 mg/kg bw/day based upon an uncertainty factor of 100 and a NOEL of 0.2 mg/kg bw/day from the 2-year dog feeding study (supplementary data). The theoretical maximum residue contribution (TMRC) for the overall U.S. population from currently established tolerances is 0.000623 mg/kg bw/day, which represents 31.15 percent of the RfD. The proposed tolerances for bananas and plantains would increase the TMRC by 0.000023 mg/kg/day, an increase of 1.15 percent of the RfD.

The nature of the residue is adequately understood and an adequate analytical method, gas chromatography using a rubidium sulfate flame detector, is available for enforcement purposes. An analytical method for enforcing this tolerance has been published in the Pesticide Analytical Manual (PAM), Vol.

II. No secondary residues in meat, milk, poultry, or eggs are expected since bananas and plantains are not considered livestock feed commodities. There are currently no actions pending against the continued registration of this chemical.

Based on the above information considered by the Agency the tolerances established by amending 40 CFR 180.221 would protect the public health. Therefore, it is proposed that the tolerances be established as set forth below.

Any person who has registered or submitted an application for registration of a pesticide, under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended, which contains any of the ingredients listed herein, may request within 30 days after publication of this notice in the Federal Register that this rulemaking proposal be referred to an Advisory Committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on the proposed regulation. Comments must bear a notation indicating the document control number, [PP 0E3836/P549]. All written comments filed in response to this petition will be available in the Public Response and Program Resources Branch, at the address given above from 8 a.m. to 4 p.m., Monday through Friday, except legal holidays.

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-354, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the Federal Register of May 4, 1981 (46 FR 24950).

List of Subjects in 40 CFR Part 180

Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: August 13, 1992.

Anne E. Lindsay,

Director, Registration Division, Office of Pesticide Programs.

Therefore, it is proposed that 40 CFR part 180 be amended as follows:

PART 180—[AMENDED]

1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 346a and 371.

2. By revising § 180.221 to read as follows:

§ 180.221 O-Ethyl S-phenyl ethylphosphonodithioate; tolerances for residues.

Tolerances are established for residues of the insecticide *O*-ethyl *S*-phenyl ethylphosphonodithioate, including its oxygen analog (*O*-ethyl *S*-phenyl ethylphosphonothioate), in or on the following raw agricultural commodities:

Commodity	Parts per million
Asparagus	0.5
Bananas	0.1
Beans, forage	0.1
Beans, vine hay	0.1
Beets, sugar, tops	0.1
Corn, field, fodder	0.1
Corn, field, forage	0.1
Corn, fresh (including sweet) (K + CWHR)	0.1
Corn, grain (including pop)	0.1
Corn, pop, fodder	0.1
Corn, pop, forage	0.1
Corn, sweet, forage	0.1
Corn, sweet, fodder	0.1
Peanuts	0.1
Peanuts, forage	0.1
Peanuts, hay	0.1
Peanuts, hulls	0.1
Peas, forage	0.1
Peas, vine hay	0.1
Peppermint	0.1
Peppermint, hay	0.1
Plantains	0.1
Sorghum, fodder	0.1
Sorghum, forage	0.1
Sorghum, grain	0.1
Soybeans, forage	0.1
Soybeans, hay	0.1
Spearmint	0.1
Spearmint, hay	0.1
Strawberries	0.1
Sugarcane	0.1
Vegetables, fruiting	0.1
Vegetables, leafy	0.1
Vegetables, root crop	0.1
Vegetables, seed and pod	0.1

[FR Doc. 92-21027 Filed 9-1-92; 8:45 am]
BILLING CODE 6560-50-F

40 CFR Part 180

[OPP-300262; FRL-4082-2]

RIN 2070-AC18

Definitions and Interpretations; Rapeseed

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This document proposes that 40 CFR 180.1(h) be amended to add EPA's interpretations for the application of tolerances and exemptions from the requirement of a tolerance established for pesticide chemicals in or on the raw agricultural commodity rapeseed. The proposed amendment to 40 CFR 180.1(h) is based, in part, on recommendations of the Interregional Research Project No. 4 (IR-4).

DATES: Comments, identified by the document control number [OPP-300262], must be received on or before October 2, 1992.

ADDRESSES: By mail, submit written comments to: Public Information Branch, Field Operations Division (H7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, bring comments to: Rm. 1128, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202. Information submitted as a comment concerning this document may be claimed confidential by marking any part or all of that information as "Confidential Business Information" (CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the comment that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice. All written comments will be available for public inspection in Rm. 1128 at the address given above, from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays.

FOR FURTHER INFORMATION CONTACT: By mail: Hoyt L. Jamerson, Emergency Response and Minor Use Section (H7505C), Registration Division, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm. 716C, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA 22202, (703)-305-5310.

SUPPLEMENTARY INFORMATION: Section 180.1(h) (40 CFR 180.1(h)) provides a listing of general commodity terms and EPA's interpretation of the application of those terms as they apply to tolerances and exemptions from the requirement of a tolerance for pesticide chemicals under section 408 of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. 346a. General commodities are listed in column A of 40 CFR 180.1(h), and the corresponding specific commodities for which tolerances and exemptions from the requirement of a tolerance established for the general commodity apply are listed in column B.

The Interregional Research Project No. 4 (IR-4), New Jersey Agricultural Experiment Station, P.O. Box 231, Rutgers University, New Brunswick, NJ 08903, has requested that 40 CFR 180.1(h) be amended to add the commodity term "rapeseed" to the general category of commodities in column A and add the corresponding specific commodities "*Brassica napus, B. campestris*, and *Crambe abyssinica* (oil-seeding producing varieties only which include canola and crambe)" to column B.

EPA has completed an evaluation of the proposed amendment and concludes that tolerances established for the raw agricultural commodity rapeseed are adequate to cover pesticide residues in or on canola and crambe. Canola, crambe, and rape are closely related and have similar growth habits, cultural practices, and pest problems.

The name "canola" has been given to a subgroup of rapeseed cultivars developed and registered in Canada in 1976 as *CA*Nadian *O*il *L*ow *A*cid by the Western Canadian Oilseed Crusher's Association. Canola has been genetically modified to produce low erucic acid (2 percent or less) and glucosinolates (under 30 micromoles per gram of defatted meal). Canola has become the standard term for this group of rapeseed cultivars and is recognized by the Food and Drug Administration (21 CFR 184.1555(c)) as the alternate or interchangeable name of low-erucic acid rapeseed oil obtained from certain varieties of *Brassica napus* and *Brassica campestris*.

Crambe (*Crambe abyssinica*) is closely related to rape; both crops are members of the *Cruciferae* family, are cool season annual crops, and are processed as a source of industrial-quality high-erucic acid oil. Cultural practices for crambe and rape are similar. Crambe generally has fewer pest problems than rape and, therefore, should require fewer pesticide treatments.

The raw agricultural commodity for canola, crambe, and rapeseed is the seed. Seeds from all three commodities are processed to produce oil and meal. Canola oil is edible, but other types of rapeseed oil and crambe oil are not and are marketed as high-quality industrial lubricants. Canola, crambe, and rapeseed meal are used as animal feed items. The feeding value of rapeseed and crambe meals, however, is limited by sulfur compounds called glucosinolates, which are unpalatable and goitrogenic. In addition, crambe meal is not palatable to single-stomach animals (nonruminant animals such as poultry and swine).

To obtain a tolerance for rapeseed, residue data will generally be required for the meal and the oil (crude and refined), in addition to geographically representative residue data for the seed (the raw agricultural commodity). Since canola oil is the only edible oil produced from these raw agricultural commodities, most field residue studies and processing studies must be conducted using canola.

Based on the above information, the Agency concludes that it is appropriate to establish the general commodity rapeseed with the corresponding specific commodities *Brassica napus, B. campestris*, and *Crambe abyssinica* (oil-seed producing varieties only which include canola and crambe) in 40 CFR 180.1(h).

Therefore, it is proposed that the changes to 40 CFR 180.1(h) be made as set forth below.

Interested persons are invited to submit written comments on the proposed regulation. Comments must bear a notation indicating the document control number, [OPP-300262]. All written comments filed in response to this proposal will be available in the Public Information Branch, at the address given above from 8 a.m. to 4 p.m., Monday through Friday, except legal holidays.

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-354, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the Federal Register of May 4, 1981 (46 FR 24950).

Although this regulation does not establish or raise a tolerance level or establish an exemption from the requirement of a tolerance, the impact of the regulation would be the same as establishing new tolerances or exemptions from the requirement of a tolerance. Therefore, the Administrator concludes that this rule would not have a significant economic impact on a substantial number of small entities.

List of Subjects in 40 CFR Part 180

Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: August 13, 1992.

Anne E. Lindsay,

Director, Registration Division, Office of Pesticide Programs.

Therefore, it is proposed that 40 CFR part 180 be amended as follows:

PART 180—[AMENDED]

1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 346a and 371.

2. Section 180.1(h) is amended by adding and alphabetically inserting the general commodity in column "A" and the corresponding specific commodities in column "B" to read as follows:

§ 180.1 Definitions and interpretations.

* * * * *

A	B
* * * * * * *	
Rapeseed	*Brassica napus, B. campestris*, and *Crambe abyssinica* (oil-seed-producing varieties only which include canola and crambe).
* * * * * * *	

* * * * *

[FR Doc. 92-21028 Filed 9-1-92; 8:45 am]
BILLING CODE 6560-50-F

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. 92-46; Notice 1]

RIN 2127-AE57

Federal Motor Vehicle Safety Standards Lamps, Reflective Devices, and Associated Equipment

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document proposes that the thickness of the bulb ring on the Type HB2 standardized replaceable light source for headlamps be reduced from a minimum of .5 to .45 mm, in order to harmonize with corresponding European requirements. This action implements the grant of a petition for rulemaking.

DATES: The comment closing date for the proposal is October 19, 1992. The proposed effective date for the final rule is 30 days after its publication in the Federal Register.

ADDRESSES: Comments should refer to the docket number and the notice number, and be submitted to: Docket Section, room 5109, Nassif Building, 400 Seventh Street, SW., Washington, DC 20590 (Docket hours are from 9:30 a.m. to 4 p.m.).

FOR FURTHER INFORMATION CONTACT: Jere Medlin, Office of Rulemaking (202-366-5276).

SUPPLEMENTARY INFORMATION: T. A. Pickett, Technical Advisor SC34B—U.S. National Committee of the International Electrotechnical Committee, has petitioned for rulemaking to amend Standard No. 108 to harmonize a dimension of the Type HB2 replaceable light source for headlamps to accord with a recent change to its European counterpart, the H4. The agency has granted the petition.

Figures 23-4 and 23-5 of Standard No. 108 specify dimensions for Type HB2. The Table for Dimensional Requirements specifies a minimum value of .5 mm for Dimension S, the thickness of the bulb ring. According to the petitioner, "this change * * * was approved via voting on document 34B (Central Office) 649 * * * issued by the International Electrotechnical Commission (IEC) as a Draft International Standard [and] will be published in the standard IEC 61." The minimum thickness would be reduced to .45 mm. The purpose of the change "is to permit utilization of commercially available sheet metal stock."

In the agency's opinion, this change will not affect bulb or headlamp performance. The performance of the bulb is related to the dimensions measured from the reference axis which is the front surface of the bulb ring. The thickness of the metal is not relevant in locating the reference axis of the bulb. Bulbs are secured to the headlamp with snap rings, or threaded attachment rings. The details of attachment connectors are not specified either in Standard No. 108, or in the European standards. A change of this nature would further implement the Administration's goal of international harmonization of safety standards.

This proposed rule would not have any retroactive effect. Under section 103(d) of The National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1392(d)), whenever a Federal motor vehicle safety standard is in effect, a state many not adopt or maintain a safety standard applicable to the same aspect of performance which is not identical to the Federal standard. Section 105 of the Act (15 U.S.C. 1394) sets forth a procedure for judicial review of final rules establishing, amending or revoking Federal motor vehicle safety standards. That section does not require submission of a petition for reconsideration or other administrative proceedings before parties may file suit in court.

Effective Date

Because the amendment would relieve a restriction, and impose no additional burden on any party, it is hereby found that good cause would be shown for an effective date earlier than 180 days after issuance of the final rule, and the final rule would be effective 30 days after its publication in the Federal Register.

Rulemaking Analyses

Executive Order 12291 (Federal Regulation) and DOT Regulatory Policies and Procedures

NHTSA has considered the impacts of this rulemaking action and has determined that it is neither major within the meaning of Executive Order 12291 "Federal Regulation", nor significant under Department of Transportation regulatory policies and procedures. It does not involve a matter of substantial public interest. The rulemaking would not have an effect upon the economy in excess of $100 million a year. The impacts of the slight dimensional change proposed are so minimal that preparation of a full evaluation is not required.

Regulatory Flexibility Act

The agency has also considered the effects of this rulemaking action in relation to the Regulatory Flexibility Act. I certify that this rulemaking action would not have a significant economic effect upon a substantial number of small entities. Motor vehicle headlamp and light source manufacturers are generally not small businesses within the meaning of the Regulatory Flexibility Act. Further, small organizations and governmental jurisdictions would not be significantly affected as the price of new motor vehicles should not be impacted. Accordingly, no Regulatory Flexibility Analysis has been prepared.

Executive Order 12612 (Federalism)

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612 on "Federalism." It has been determined that the rulemaking action does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

National Environmental Policy Act

NHTSA has analyzed this rulemaking action for purposes of the National Environmental Policy Act. The rulemaking action would not have a significant effect upon the environment. There is no environmental impact associated with reducing a minimum dimension. The rulemaking action would not have an effect upon fuel consumption.

Request for Comments

Interested persons are invited to submit comments on the proposal. It is requested but not required that 10 copies be submitted.

All comments must not exceed 15 pages in length. (49 CFR 553.21). Necessary attachments may be appended to these submissions without regard to the 15-page limit. This limitation is intended to encourage commenters to detail their primary arguments in a concise fashion.

If a commenter wishes to submit certain information under a claim of confidentiality, three copies of the complete submission, including purportedly confidential business information, should be submitted to the Chief Counsel, NHTSA, at the street address given above, and seven copies from which the purportedly confidential information has been deleted should be submitted to the Docket Section. A

request for confidentiality should be accompanied by a cover letter setting forth the information specified in the agency's confidential business information regulation. 49 CFR part 512.

All comments received before the close of business on the comment closing date indicated above for the proposal will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. Comments received too late for consideration in regard to the final rule will be considered as suggestions for further rulemaking action. Comments on the proposal will be available for inspection in the docket. The NHTSA will continue to file relevant information as it becomes available in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

Those persons desiring to be notified upon receipt of their comments in the rules docket should enclose a self-addressed, stamped postcard in the envelope with their comments. Upon receiving the comments, the docket supervisor will return the postcard by mail.

List of Subjects in 49 CFR Part 571

Imports, Motor vehicle safety, Motor vehicles.

In consideration of the foregoing, it is proposed that 49 CFR part 571 be amended as follows:

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

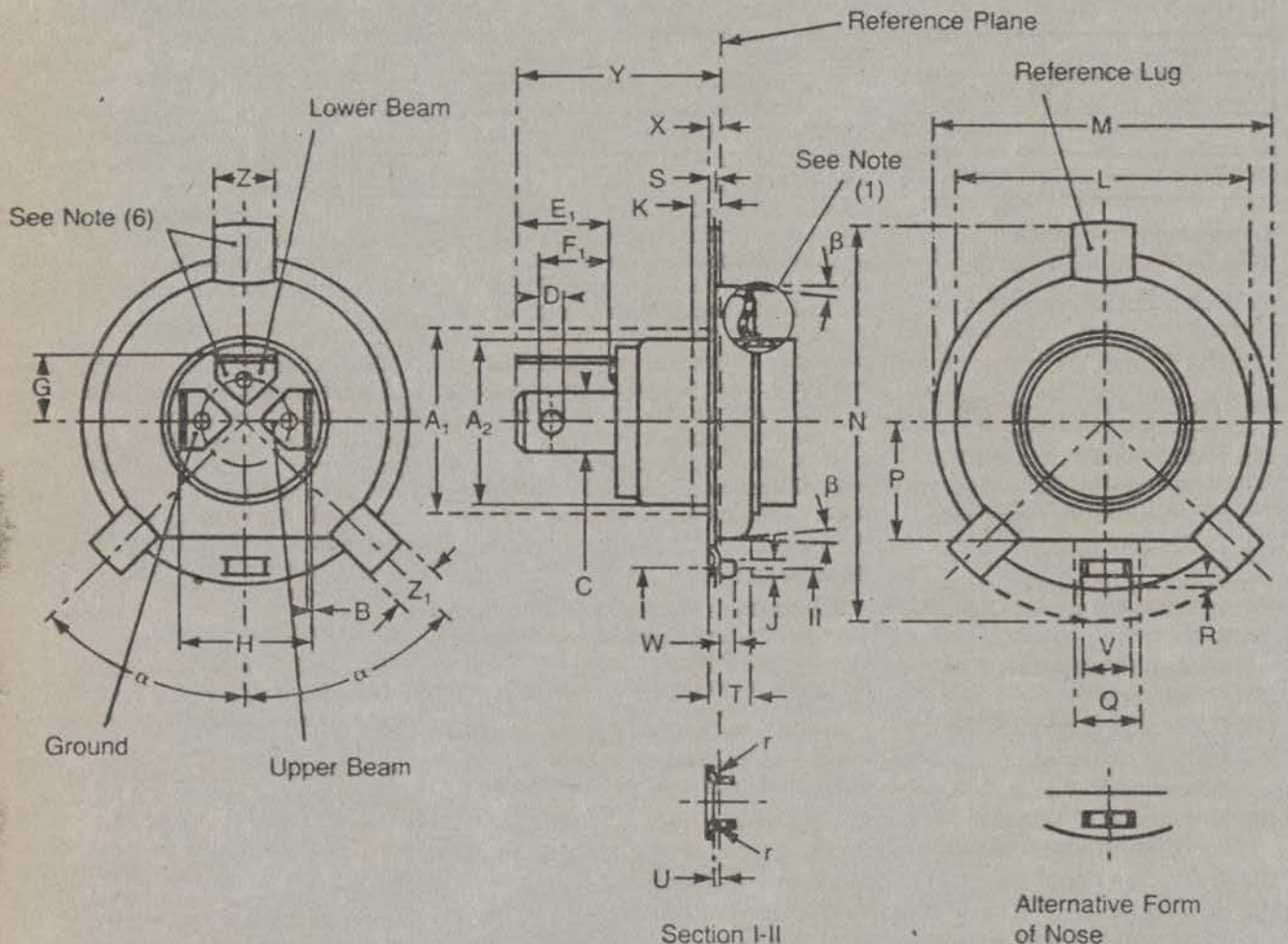
1. The authority citation for part 571 would continue to read as follows:

Authority: 15 U.S.C. 1392, 1401, 1403, 1407; delegation of authority at 49 CFR 1.50.

§ 571.108 [Amended]

2. Figures 23–4 and 23–5 of § 571.108 would be revised as follows:

BILLING CODE 4910-59-M



(Also see continuation page)

Figure 23-4. Type HB-2 Replaceable Light Source—Assembled Base P43t-38 on Finished Light Source—Dimensional Specifications

Dimension	Min.	Max.	Dimension	Min.	Max.
A_1 (8)	25.0		Q (2) (7)	8.5	—
A_2 (10)	21.94	22.0	R	1.3	1.7
B	0.7	0.8	S	0.45	—
C	7.7	8.1	T	5.0	6.0
D	3.0	3.3	U	(9)	
E_1	11.8	13.6	V (2) (5)	6.3	6.5
F_1	8.8	10.3	W	1.8	2.2
G	8.5	9.0	X	1.1	1.3
H	17.0	17.9	Y	—	32.0
J	1.9	2.1	Z	7.9	8.0
K (10)	2.0		Z_1	6.0	6.2
L (2) (4)	37.8	38.0	r	(9)	
M (3)	42.9	43.0	α	44° 40'	45° 20'
N	51.6	52.0	β	—	5°
P (2) (7)	15.3	15.5			

Dimensions in millimeters.
The drawing is intended only to indicate the dimensions essential for interchangeability

(1) The form of this part of the ring is optional and may be flat or recessed. However, the form shall be such that it will not cause any abnormal glare from the lower beam filament when the light source is in its normal operating position in the vehicle.
(2) This dimension is measured at the reference plane.
(3) Dimension M is the diameter on which the light source is centered when checking its dimensional characteristics.
(4) The maximum allowable eccentricity of cylinder L with respect to the circle of diameter M is 0.05 mm.
(5) The maximum allowable displacement of the center of the nose from the line running through the centers of the reference lug and the circle of diameter M is 0.05 mm. The sides of the nose shall not bend outwards.
(6) [Reserved]
(7) Dimension Q denotes the minimum width over which both the minimum and maximum limits of dimension P shall be measured. Outside dimension Q, the maximum limit for dimension P shall not be exceeded.
(8) The means of securing the ring in the headlamp shall not encroach on this cylindrical zone, which extends over the full length of the shell shown on this side of the ring.
(9) The radius r shall be equal to or smaller than dimension U.
(10) Beyond distance K, in the direction of the contact tabs, both the minimum and the maximum limits of dimension A_2 shall be measured.

Figure 23-5. (Continued) Type HB-2 Replaceable Light Source—Assembled Base P43t-38 on Finished Light Source—Dimensional Specifications

[FR Doc. 92-21112 Filed 9-1-92; 8:45 am]
BILLING CODE 4910-59-C

Issued on August 28, 1992.

Barry Felrice,
Associate Administrator for Rulemaking.

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 216

[Docket No. 920544-2144]

Taking and Importing of Marine Mammals; Listing of the Northern Offshore Spotted Dolphin

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Notice of delay in issuance of final rule.

SUMMARY: On June 18, 1992, NMFS proposed to designate the northern stock of offshore spotted dolphins (*Stenella attenuata*) as depleted under the Marine Mammal Protection Act (MMPA). NMPS announces that, due to new information indicating that the geographic boundaries which delineate the northern stock of the offshore spotted dolphin should be revised, the issuance of a final rule will be delayed for 6 months in order to solicit additional information on the status of this stock.

DATES: New Information and Comments must be submitted on or before January 4, 1993.

ADDRESSES: Comments should be addressed to Dr. Nancy Foster, Director, Office of Protected Resources, 1335 East-West Highway, room 8268, Silver Spring, MD 20910.

FOR FURTHER INFORMATION CONTACT: Michael Payne, Office of Protected Resources at 301/713-2322.

SUPPLEMENTARY INFORMATION: On October 29, 1991, NMFS was petitioned to designate the northern stock of the offshore spotted dolphin as depleted under the MMPA. On November 5, 1991, NMFS published a notice of receipt of this petition, a determination that the petition presented substantial information indicating the petitioned action may be warranted (56 FR 56502), and a request for comments. After the close of the comment period and review of the available information, NMFS published a proposed rule to designate the northern stock of the offshore spotted dolphin as depleted on June 18, 1992, (57 FR 27207). That notice set a deadline of August 17, 1992, for comments.

At the time the petition was received on October 29, 1991, and the notice of receipt and determination that the petition presented substantial information was published on November 5, 1991, NMFS believed that the best available information accepted by the scientific community indicated that the population of the northern offshore spotted dolphin was below its optimal sustainable population level.

However, at the same time, NMFS was in the process of reviewing new preliminary scientific information regarding this species. In November 1991, NMFS conducted a workshop on the status of eastern tropical Pacific (ETP) dolphin stocks to review these data (DeMaster and Sisson, 1992). Information presented at this workshop included possible changes in the structure of ETP dolphin stocks. Two recent reports (Dizon Perrin and Akin, (1992) and Perrin *et al.* (1991)) were reviewed by a panel of experts at the workshop and subsequently have received further review by NMFS.

At the time the proposed rule to designate the northern stock of the offshore spotted dolphin was published, these changes recommended by the above-mentioned studies were still undergoing peer review and, thus, were not available for the deliberations leading to the proposed rule. Since then, the reviews have been completed and the findings of these studies have become available to NMFS. Based on these studies NMFS believes that changes in the stock structure for spotted dolphins in the ETP are warranted. The changes are as follows:

Existing stock structure	New stock structure
Northern	Northeastern.
Southern	Western/southern.
Coastal	Coastal.

The comment period of the proposed rule closed on August 17, 1992. Section 115 of the MMPA normally requires that a final rule on the status of the stock be issued within 90 days of the close of the comment period on the proposed rule. However, section 115(a)(3)(E) provides that, "If the Secretary finds with respect to such a proposed rule that there is substantial disagreement regarding the sufficiency or accuracy of the available information relevant to a status determination, the Secretary may delay the issuance of a final rule for a period of not more than six months for purposes of soliciting additional information."

The proposed rule published on June 18, 1992, addressed the status (abundance and fishery-induced mortality) of the northern offshore spotted dolphin using previously accepted stock structure and geographic boundaries and not the currently accepted boundaries for the northern offshore spotted dolphin. Therefore, pursuant to section 115(a)(3)(E) of the MMPA, NMFS has decided to delay issuance of a final rule for a period not to exceed 6 months from the close of the comment period on the proposed rule (August 17, 1992) in order to review the new recommendations, to assess the status of the northeastern offshore spotted dolphin, and solicit additional information. Anyone wishing to submit additional information on these recommendations must submit such information by no later than 4 months following publication of this notice in the **Federal Register.**

References

DeMaster, D.P. and J.E. Sisson. 1992. Minutes from a workshop on status of porpoise stocks in the eastern tropical Pacific, with special emphasis on the period 1985–1990. NMFS SEFSC Admin. Rept. LJ–92–21. 67 pp

Dizon, A.E., W.F. Perrin and P.A. Akin. in press. Stocks of dolphins in the (*Stenella* spp. and *Delphinus delphis*) Eastern Tropical Pacific: A phylogeographic classification. *In* DeMaster, D.P. and J.E. Sisson (Eds)., Minutes from a workshop on status of porpoise stocks in the eastern tropical Pacific, with special emphasis on the period 1985–1990. NMFS SEFSC Admin. Rept. LJ–92–21. 67 pp.

Perrin, W.F., G.D. Schnell, D.J. Hough, J.W. Gilpatrick and J.V. Kashiwada. 1991. Re-examination of geographical cranial variation in the pantropcial spotted dolphin. *Stenella attenuata, in the eastern Pacific. NMFS SWRSC Admin. Rept. LJ–91–93.*

Dated: August 24, 1992.

William W. Fox, Jr.,

Assistant Administrator for Fisheries, National Marine Fisheries Service.

[FR Doc. 92–21406 Filed 9–1–92; 8:45 am]

BILLING CODE 3510–22–M

Notices

Federal Register
Vol. 57, No. 171
Wednesday, September 2, 1992

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Forms Under Review by Office of Management and Budget

August 28, 1992.

The Department of Agricultural has submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35) since the last list was published. This list is grouped into new proposals, revisions, extension, or reinstatements. Each entry contains the following information:

(1) Agency proposing the information collection; (2) Title of the information collection; (3) Form number(s), if applicable; (4) How often the information is requested; (5) Who will be required or asked to report; (6) An estimate of the number of responses; (7) An estimate of the total number of hours needed to provide the information; (8) Name and telephone number of the agency contact person.

Questions about the items in the listing should be directed to the agency person named at the end of each entry. Copies of the proposed forms and supporting documents may be obtained from: Department Clearance Officer, USDA, OIRM, room 404–W Admin. Bldg., Washington, DC 20250, (202) 690–2118.

Revision

• Agricultural Stabilization and Conservation Service 7 CFR 1421, 1425, 1434 and 1427—Loan Deficiency Payments CCC-666LDP 700, 700a, 701, CCC-Cotton AA and CCC-Cotton AA–1, On occasion. Farms; Small businesses or organizations; 223,016 responses; 65,415 hours. Margaret Wright (202) 720–8481.

• Food and Nutrition Service. Emergency Food Stamp Assistance for Victims of Disasters FNS–447. Recordkeeping, On occasion; Individuals or households; State or local government; 12,453 responses; 2,789 hours. Paul Jones (703) 305–2496.

Extension

• Agricultural Stabilization and Conservation Service. 7 CFR 719.11—Eminent Domain Acquisitions: Reallocating Allotments, Quotas, and Acreage Bases. ASCS–177 and ASCS–178. On occasion. Farms; 6,000 responses; 3,000 hours. Star Bryant (202) 720–8573.

• National Agricultural Statistics Service. Field Crops Production, Weekly; Monthly; Quarterly; Annually. Farms; Businesses or other for-profit; 588,791 responses; 137,595 hours. Larry Gambrell (202) 720–5778.

New Collection

• Food and Nutrition Service. *Food Stamp Program:* Good Cause Relief from Quality Control Error Rate Liabilities. On occasion; Annually. Individuals or households; State or local governments; 10 responses; 1600 hours. Charlene L. Simmons (703) 305–2472.

Larry K. Roberson,
Deputy Departmental Clearance Officer.
[FR Doc. 92–21142 Filed 9–1–92; 8:45 am]
BILLING CODE 3410–01–M

The Citizens' Advisory Committee on Equal Opportunity

AGENCY: Office of Advocacy and Enterprise, USDA.

ACTION: Notice of meeting.

SUMMARY: This notice sets forth the proposed schedule and agenda of a meeting of the Citizens' Advisory Committee on Equal Opportunity. The meeting will be open to the public. Notice of this meeting is required under the Federal Advisory Committee Act (Pub. L. No. 92–463).

DATES: September 14–16, 1992, 9 am to 4 pm on the 14th 9:30 am to 4 pm on the 15th, and 9 am to 12 pm on the 16th.

ADDRESSES: The meeting location is at the U.S. Appraisers Building, 630 Sansom Street, San Francisco, California 94111. Send written statements to Steven Chang or Crystal Day, Office of Advocacy and Enterprise, U.S. Department of Agriculture, 14th and Independence Avenue, SW., room 1322–S, South Building, Washington, DC 20250–9400.

FOR FURTHER INFORMATION CONTACT: Steven Chang, (202) 720–4509 or Crystal Day, (202) 720–7117.

SUPPLEMENTARY INFORMATION: The committee will receive status reports from subcommittees, hear briefings from the Forest Service, Region 8 and the Food and Nutrition Service, and set their fiscal year 1993 agenda.

Jo Ann C. Jenkins,
Director, Office of Advocacy and Enterprise.
[FR Doc. 92–21065 Filed 9–1–92; 8:45 am]
BILLING CODE 3410–94–M

Federal Grain Inspection Service

Request for Comments on the Applicants for Designation in the Geographic Area Currently Assigned to the Schaal (IA) Agency

AGENCY: Federal Grain Inspection Service (FGIS).

ACTION: Notice.

SUMMARY: FGIS requests interested persons to submit comments on the applicants for designation to provide official services in the geographic area currently assigned to Lewis D. Schaal dba D. R. Schaal Agency (Schaal).

DATES: Comments must be postmarked, or sent by telecopier (FAX) or electronic mail by September 30, 1992.

ADDRESSES: Comments must be submitted in writing to Homer E. Dunn, Chief, Review Branch, Compliance Division, FGIS, USDA, Room 1647 South Building, P.O. Box 96454, Washington, DC 20090–6454. SprintMail users may respond to [A:ATTMAIL,O:USDA,ID:A36HDUNN]. ATTMAIL and FTS2000MAIL users may respond to !A36HDUNN. Telecopier (FAX) users may send responses to the automatic telecopier machine at 202–720–1015, attention: Homer E. Dunn. All comments received will be made available for public inspection at the above address located at 1400 Independence Avenue, S.W., during regular business hours.

FOR FURTHER INFORMATION CONTACT: Homer E. Dunn, telephone 202–720–8525.

SUPPLEMENTARY INFORMATION:

This action has been reviewed and determined not to be a rule or regulation as defined in Executive Order 12291 and Departmental Regulation 1512–1; therefore, the Executive Order and

Departmental Regulation do not apply to this action.

In the July 1, 1992, **Federal Register** (57 FR 29274), FGIS asked persons interested in providing official services in the geographic areas assigned to Thomas Oller dba Alva Grain Inspection Department (Alva), and Schaal to submit an application for designation. Applications were due by July 31, 1992. There were two applicants for the Schaal geographic area. Schaal applied for designation in the entire area currently assigned to them, except for: Gold-Eagle Coop, Wright County, Iowa (located inside A. V. Tischer and Son, Inc.'s, area). Tischer applied for designation to serve Gold-Eagle Coop, Wright County, Iowa, in addition to the area they are already designated to serve. The Schaal and Tischer agencies are contiguous official agencies.

There were no applicants for the Alva area. Alva advised FGIS that due to a decline in requests for official inspection services they would cease doing business on July 25, 1992, and asked that their designation be cancelled. In the July 30, 1992, **Federal Register** (57 FR 33717), FGIS cancelled Alva's designation effective July 25, 1992, and requested comments on the need for official inspection services in the geographic area assigned to Alva. FGIS also requested persons interested in providing official services in the geographic area formerly assigned to Alva to submit an application for designation. Applications and comments were to be postmarked on or sent by telecopier (FAX) by August 31, 1992. FGIS will publish notice of the applicants and comments in the **Federal Register**.

FGIS is publishing this notice to provide interested persons the opportunity to present comments concerning the applicants for designation in the Schaal area. Commenters are encouraged to submit reasons and pertinent data for support or objection to the designation of these agencies. All comments must be submitted to the Compliance Division at the above address.

Comments and other available information will be considered in making a final decision. FGIS will publish notice of the final decision in the **Federal Register**, and FGIS will send the applicants written notification of the decision.

AUTHORITY: Pub. L. 94-582, 90 Stat. 2867, as amended (7 U.S.C. 71 *et seq.*)

Dated: August 25, 1992

J. T. Abshier

Director, Compliance Division

[FR Doc. 92-21007 Filed 9-1-92; 8:45 am]

BILLING CODE 3410-EN-F

Designation of the States of Louisiana (LA) and North Carolina (NC)

AGENCY: Federal Grain Inspection Service (FGIS).

ACTION: Notice.

SUMMARY: FGIS announces the designation of the Louisiana Department of Agriculture and Forestry (Louisiana) to provide official inspection and Class X or Class Y weighing services, and the North Carolina Department of Agriculture (North Carolina) to provide official inspection services under the United States Grain Standards Act, as amended (Act).

EFFECTIVE DATE: October 1, 1992.

ADDRESSES: Homer E. Dunn, Chief, Review Branch, Compliance Division, FGIS, USDA, Room 1647 South Building, P.O. Box 96454, Washington, DC 20090-6454.

FOR FURTHER INFORMATION CONTACT: Homer E. Dunn, telephone 202-720-8525.

SUPPLEMENTARY INFORMATION:

This action has been reviewed and determined not to be a rule or regulation as defined in Executive Order 12291 and Departmental Regulation 1512-1; therefore, the Executive Order and Departmental Regulation do not apply to this action.

In the April 1, 1992, **Federal Register** (57 FR 11062), FGIS announced that the designations of Louisiana and North Carolina end on September 30, 1992, and asked persons interested in providing official services within the specified geographic areas to submit an application for designation. Applications were due by May 1, 1992.

Louisiana and North Carolina, the only applicants, each applied for the entire geographic area currently assigned to them. FGIS named and requested comments on the applicants for designation in the June 1, 1992, **Federal Register** (57 FR 23074). Comments were due by July 1, 1992. FGIS received no comments by the deadline.

FGIS evaluated all available information regarding the designation criteria in Section 7(f)(1)(A) of the Act; and according to Section 7(f)(1)(B), determined that Louisiana and North Carolina are able to provide official services in the geographic areas for which they applied.

Effective October 1, 1992, and ending September 30, 1995, Louisiana is designated to provide official inspection and Class X or Class Y weighing services, and North Carolina is designated to provide official inspection services under the United States Grain Standards Act, as amended (Act) in the geographic areas specified above.

Interested persons may obtain official services by contacting Louisiana at 318-487-5088, and North Carolina at 919-733-7576.

AUTHORITY: Pub. L. 94-582, 90 Stat. 2867, as amended (7 U.S.C. 71 *et seq.*)

Dated: August 25, 1992

J. T. Abshier

Director, Compliance Division

[FR Doc. 92-21008 Filed 9-1-92; 8:45 am]

BILLING CODE 3410-EN-F

Request for Applications from Persons Interested in Designation to Provide Official Services in the Geographic Area Presently Assigned to the Columbus (OH) Agency

AGENCY: Federal Grain Inspection Service (FGIS).

ACTION: Notice.

SUMMARY: The United States Grain Standards Act, as amended (Act), provides that official agency designations shall end not later than triennially and may be renewed. The designation of Columbus Grain Inspection, Inc. (Columbus), will end February 28, 1993, according to the Act, and FGIS is asking persons interested in providing official services in the specified geographic area to submit an application for designation.

DATES: Applications must be postmarked or sent by telecopier (FAX) by September 30, 1992.

ADDRESSES: Applications must be submitted to Homer E. Dunn, Chief, Review Branch, Compliance Division, FGIS, USDA, Room 1647 South Building, P.O. Box 96454, Washington, DC 20090-6454. Telecopier (FAX) users may send applications to the automatic telecopier machine at 202-720-1015, attention: Homer E. Dunn. If an application is submitted by telecopier, FGIS reserves the right to request an original application. All applications will be made available for public inspection at this address located at 1400 Independence Avenue, S.W., during regular business hours.

FOR FURTHER INFORMATION CONTACT: Homer E. Dunn, telephone 202-720-8525.

SUPPLEMENTARY INFORMATION:

This action has been reviewed and determined not to be a rule or regulation as defined in Executive Order 12291 and Departmental Regulation 1512–1; therefore, the Executive Order and Departmental Regulation do not apply to this action.

Section 7(f)(1) of the Act authorizes FGIS' Administrator to designate a qualified applicant to provide official services in a specified area after determining that the applicant is better able than any other applicant to provide such official services.

FGIS designated Columbus, headquartered in Circleville, Ohio, to provide official grain inspection services under the Act on March 1, 1990.

Section 7(g)(1) of the Act provides that designations of official agencies shall end not later than triennially and may be renewed according to the criteria and procedures prescribed in Section 7(f) of the Act. The designation of Columbus ends on February 28, 1993.

The geographic area presently assigned to Columbus, in the State of Ohio, pursuant to Section 7(f)(2) of the Act, which will be assigned to the applicant selected for designation is as follows:

Bounded on the North by U.S. Route 30 east to State Route 154; State Route 154 east to the Ohio-Pennsylvania State line;

Bounded on the East and South by the Ohio-Pennsylvania State line south to the Ohio River; the Ohio River south-southwest to the western Scioto County line; and

Bounded on the West by the western Scioto County line north to State Route 73; State Route 73 northwest to U.S. Route 22; U.S. Route 22 west to U.S. Route 68; U.S. Route 68 north to Clark County; the northern Clark County line west to State Route 560; State Route 560 north to State Route 296; State Route 296 west to Interstate 75; Interstate 75 north to State Route 47; State Route 47 northeast to U.S. Route 68; U.S. Route 68 north to U.S. Route 30.

Interested persons, including Columbus, are hereby given the opportunity to apply for designation to provide official services in the geographic area specified above under the provisions of Section 7(f) of the Act and section 800.196(d) of the regulations issued thereunder. Designation in the specified geographic area is for the period beginning March 1, 1993, and ending February 29, 1996. Persons wishing to apply for designation should contact the Compliance Division at the address listed above for forms and information.

Applications and other available information will be considered in determining which applicant will be designated.

AUTHORITY: Pub. L. 94–582, 90 Stat. 2867, as amended (7 U.S.C. 71 *et seq.*)

Dated: August 25, 1992

J. T. Abshier

Director, Compliance Division

[FR Doc. 92–21009 Filed 9–1–92; 8:45 am]

BILLING CODE 3410–EN–F

COMMISSION ON CIVIL RIGHTS

Agenda and Notice of Public Meeting of the South Carolina Advisory Committee

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the South Carolina Advisory Committee to the Commission will convene at 1 p.m. and adjourn at 5 p.m. on Friday, September 25, 1992, at the Columbia Marriott Hotel, Salon E, 1200 Hampton Street, Columbia, South Carolina 29201. The purpose of the meeting is to discuss the status of the Commission and SACs. In addition, the committee will hold a briefing session to receive information from community leaders on racial tensions in South Carolina (Columbia).

Persons desiring additional information, or planning a presentation to the Committee should contact Bobby D. Doctor, Regional Director, Southern Regional Office of the U.S. Commission on Civil Rights at (404/730–2476, TDD 404/730–2481). Hearing impaired persons who will attend the meeting and require the services of a sign language interpreter should contact the Southern Regional Office at least five (5) working days before the scheduled date of the meeting.

The meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, DC, August 26, 1992.

Carol-Lee Hurley,

Chief, Regional Programs Coordination Unit.

[FR Doc. 92–21040 Filed 9–1–92; 8:45 am]

BILLING CODE 6335–01–M

Agenda of Public Meeting of the Tennessee Advisory Committee

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Tennessee Advisory Committee to the Commission will convene at 1 p.m. and adjourn at 5 p.m. on Wednesday, September 23, 1992, at the City County Building, Small Assembly, 400 Main Avenue, Knoxville, Tennessee 37902. The purpose of the meeting is to: (1) To discuss the status of the Commission and SACs; (2) to discuss civil rights progress and/or problems in the State; (3) to update the current project, Racial Tensions in Tennessee; and (4) to receive information from community leaders and others on racial tensions in Knoxville.

Persons desiring additional information, or planning a presentation to the Committee should contact Bobby D. Doctor, Regional Director, Southern Regional Office of the U.S. Commission on Civil Rights at (404/730–2476, TDD 404/730–2481). Hearing impaired persons who will attend the meeting and require the services of a sign language interpreter should contact the Southern Regional Office at least five (5) working days before the scheduled date of the meeting.

The meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, DC, August 24, 1992.

Carol-Lee Hurley,

Chief, Regional Programs Coordination Unit.

[FR Doc. 92–21041 Filed 9–1–92; 8:45 am]

BILLING CODE 6335–01–M

DEPARTMENT OF COMMERCE

Bureau of Export Administration

Iran Air; Authorizations Under Denial Order

AGENCY: Bureau of Export Administration, Commerce.

ACTION: Notice.

On August 21, 1992, the Acting Under Secretary for Export Administration, United States Department of Commerce, issued a Final Order in an administrative enforcement proceeding against Iran Air Mehrabad Airport Tehran, Iran (57 FR 39178, Aug. 28, 1992). The Order finds that Iran Air committed a violation of the Export Administration Regulations (EAR) and imposes as sanctions a civil penalty of $100,000 and a denial of Iran Air's U.S. export privileges for a period of 24 months, with 21 months suspended if the civil penalty is paid within 30 days.

Under the terms of the denial order and of EAR § 787.12(a) (15 CFR 787.12(a)), authorization can be given by the Office of Export Licensing, Bureau of Export Administration for actions otherwise prohibited by the denial order. Following consultation with the Office of Export Enforcement, I hereby issue the following general

authorizations with respect to the denial order against Iran Air:

(1) The denial order prohibition of participation in any transaction which may involve any commodity or technical data already exported from the United States will not apply to repair, maintenance, or other servicing of Iran Air's U.S.-origin equipment unless U.S.-origin commodities or technical data subject to the EAR are used or supplied in such activity;

(2) The denial order will not apply to any action incidental to being a passenger solely by reason of Iran Air's being the carrier;

(3) These general licenses and the related permissive reexports under EAR § 774.2 may still be used—

(a) GATS (aircraft or temporary sojourn, EAR § 771.19).

(b) PLANE STORES (EAR § 771.10).

(c) CREW (EAR § 771.11).

Dated: August 27, 1992.

Iain S. Baird,

Director, Office of Export Licensing, Bureau of Export Administration, Department of Commerce.

[FR Doc. 92-21163 Filed 9-1-92; 8:45 am]

BILLING CODE 3510-DT-M

Minority Business Development Agency

Business Development Center Applications, Atlanta, GA

AGENCY: Minority Business Development Agency, Commerce.

ACTION: Notice.

SUMMARY: In accordance with Executive Order 11625, the U.S. Department of Commerce's Minority Business Development Agency (MBDA) is soliciting competitive applications under its Minority Business Development Center (MBDC) program to operate an MBDC for approximately a 3-year period, subject to Agency priorities, recipient performance and the availability of funds. The cost of performance for the first budget period (12 months) is $236,160 in Federal funds and a minimum of $41,675 in non-Federal (cost-sharing) contributions. This federal amount includes $5,760 for an annual audit. Cost-sharing contributions may be in the form of cash contributions, client fees, in-kind contributions or combinations thereof. The period of performance will be from January 1, 1993 to December 31, 1993. The MBDC will operate in the Atlanta, Georgia geographic service area.

The award number for this MBDC will be 04-10-93003-01.

The funding instrument for the MBDC will be a cooperative agreement. Competition is open to individuals, non-profit and for-profit organizations, State and local governments, American Indian tribes and educational institutions.

The MBDC program is designed to provide business development services to the minority business community for the establishment and operation of viable minority business. To this end, MBDA funds organizations that can identify and coordinate public and private sector resources on behalf of minority individuals and firms; offer a full range of management and technical assistance; and serve as a conduit of information and assistance regarding minority businesses.

Applications will be evaluated initially by regional staff on the following criteria: The experience and capabilities of the firms and its staff in addressing the needs of the business community in general and, specifically, the special needs of minority business, individuals and organizations (50 points); there sources available to the firm in providing business development services (10 points); the firm's approach (techniques and methodologies) to performing the work requirements included in the application (20 points); and the firm's estimated cost for providing such assistance (20 points). An application must receive at least 70% of the points assigned to any one evaluation criteria category to be considered programmatically acceptable and responsive. The selection of an application for further processing by MBDA will be made by the Director based on a determination of the application most likely to further the purpose of the MBDC program. The application will then be forwarded to the Department for final processing and approval, if appropriate. The Director will consider past performance of the applicant on previous Federal awards.

MBDCs shall be required to contribute at least 15% of the total project cost through non-Federal contributions. To assist them in this effort, MBDCs may charge client fees for management and technical assistance (M&TA) rendered. Based on a standard rate of $50 per hour, MBDCs will charge client fees at 20% of the total cost for firms with gross sales of $500,000 or less, and 35% of the total cost for firms with gross sales of over $500,000. False information on the application can be grounds for denying or terminating funding.

MBDCs performing satisfactorily may continue to operate after the initial competitive year for up to 2 additional budget periods. MBDCs with year-to-date "commendable" and "excellent" performance ratings may continue to be funded for up to 3 or 4 additional budget periods, respectively. Under no circumstances shall an MBDC be funded for more than 5 consecutive budget periods without competition. Periodic reviews culminating in year-to-date quantitative and qualitative evaluations will be conducted to determine if funding for the period should continue. Continued funding will be at the discretion of MBDA based on such factors as an MBDC's performance, the availability of funds and Agency priorities.

Awards under this program shall be subject to Federal and Departmental regulations, policies, and procedures applicable to Federal assistance awards.

In accordance with OMB Circular A-129 "Managing Federal Credit Programs," applicants who have an outstanding account receivable with the Federal Government may not be considered for funding until these debts have been paid or arrangements, satisfactory to the Department of Commerce, are made to pay the debt.

Applicants are subject to Governmental Debarment and Suspension (Nonprocurement) requirements as stated in 15 CFR part 26.

The Departmental Grants Officer may terminate any grant/cooperative agreement in whole or in part at any time before the date of completion whenever it is determined that the MBDC has failed to comply with the conditions of the grant/cooperative agreement. Examples of some of the conditions which can cause termination are failure to meet cost-sharing requirements; unsatisfactory performance of MBDC work requirements; and reporting inaccurate or inflated claims of client assistance or client certification. Such inaccurate or inflated claims may be deemed illegal and punishable by law.

Notification must be provided that all non-profit and for-profit applicants are subject to a name check review process. Name checks are intended to reveal if any key individual associated with the applicant have been convicted of or is presently facing, criminal charges such as fraud, theft, perjury, or other.

On November 18, 1988, Congress enacted the Drug-Free Workplace Act of 1988 (Pub. L. 100-690, title V, subtitle D). The statute requires contractors and grantees of Federal agencies to certify that they will provide a drug-free

workplace. Pursuant to these requirements, the applicable certification form must be completed by each applicant as a pre-condition for receiving Federal grant or cooperative agreement awards.

15 CFR, part 28, is applicable and prohibits recipients of Federal contracts, grants, and cooperative agreements from using appropriated funds for influencing or attempting to influence an officer or employee if any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with a specific contract, grant or cooperative agreement. Form CD–511, "Certifications Regarding Debarment, Suspension and Other Responsibility Matters; Drug-Free Workplace Requirements and Lobbying" and, when applicable, the SF–LLL, "Disclosure of Lobbying Activities," are required.

CLOSING DATE: The closing date for submitting an application is October 2, 1992. Applications must be postmarked on or before October 2, 1992. Proposals will be reviewed by the Atlanta Regional Office. The mailing address for submission of RFA responses is: Department of Commerce, Atlanta Regional Office, Minority Business Development Agency, 401 West Peachtree Street, NW., suite 1715, Atlanta, Georgia 30308–3516.

A pre-application conference to assist all interested applicants will be held on September 16, 1992, 9 a.m. at the following address: U.S. Department of Commerce, Minority Business Development Agency, 401 West Peachtree Street, NW., room 1715, Atlanta, Georgia 30308

SUPPLEMENTARY INFORMATION: Anticipated processing time of this award is 120 days. Executive Order 12372, "Intergovernmental Review of Federal Programs," is not applicable to this program. To order a Request for Application (FRA) and to receive additional information, contact: Carlton L. Eccles, Regional Director of the Atlanta Regional Office on (404) 730–3300 or Department of Commerce, Minority Business Development Agency, 401 West Peachtree Street, NW., room 1715, Atlanta, Georgia 30308.

11.800 Minority Business Development (Catalog of Federal Domestic Assistance)

Dated: August 26, 1992.

Carlton L. Eccles,

Regional Director, Atlanta Regional Office.

[FR Doc. 92–21088 Filed 9–1–92; 8:45 am]

BILLING CODE 3510–21–M

National Oceanic and Atmospheric Administration

Endangered Species; Permits

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Notice of receipt of application for scientific research permit (P497).

Notice is hereby given that Dr. Ted C. Bjornn, The Idaho Cooperative Fish & Wildlife Research Unit, University of Idaho, Moscow, Idaho, 83843, has applied in due form for a Permit to take an endangered species as authorized by the Endangered Species Act of 1973 (16 U.S.C. 1531–1543) and the regulations governing endangered fish and wildlife permits (50 CFR part 217–222).

This application was received prior to the the regulatory deadline of May 22, 1992 (50 CFR part 227), and has thus been subject to the regulatory exemption which allows for the continuation of scientific research/enhancement activities as requested in the applications until NMFS has had adequate time in which to review the applications and to determine their sufficiency, or until issuance or denial of a permit, or until December 31, 1992, whichever comes first. This application has now been determined to contain enough information for complete review, and thus a public comment period will be opened to determine whether this work, as requested in the application, should continue.

The applicant requests that up to 200 listed wild Snake River spring/summer chinook salmon (*Onchorhynchus tshawytscha*) be captured; outfitted with radio transmitters, metal jaw and coded wire tags; released; re-captured and released for scientific purposes over a two-and-one-half-year period. In cooperation with the Oregon Department of Fish and Wildlife, the applicant proposes to monitor these fish using video cameras and radio tracking devices as they pass through electronic tunnels placed in each fishway entrance at Lower Granite Dams (1992) and Ice Harbor Dam (1993–1994) and near radio receivers that will be installed in the John Day and Yakima Rivers. Fish movements into the Umatilla River at Three-Mile Dam and in the Walla Walla River would be monitored with mobile tracking.

Written data or views, or requests for a public hearing on this application should be submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, U.S. Department of Commerce, 1335 East-West Hwy., room 7324, Silver Spring, MD 20910, within 30 days of the publication of this notice. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries. All statements and opinions contained in this application are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Documents submitted in connection with the above application are available for review by interested persons in the following offices by appointment:

Office of Protected Resources, National Marine Fisheries Service, 1335 East-West Hwy., suite 7324, Silver Spring, MD 20910 (301/713–2289); and

Environmental and Technical Services Division, National Marine Fisheries Service, 911 North East 11th Ave., room 620, Portland, OR 97232 (503/230–5400).

Dated: August 25, 1992.

Charles Karnella,

Deputy Director, Office of Protected Resources.

[FR Doc. 92–21086 Filed 9–1–92; 8:45 am]

BILLING CODE 3510–22–M

Travel and Tourism Administration

Travel and Tourism Advisory Board; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. (App. 1976) notice is hereby given that the Travel and Tourism Advisory Board of the U.S. Department of Commerce will meet on September 18, 1992, at 9:30 a.m. at the Grand Floridian Beach Hotel, Walt Disney World, Lake Buena Vista, Florida.

Established March 19, 1982, the Travel and Tourism Advisory Board consists of 15 members, representing the major segments of the travel and tourism industry and state tourism interests, and includes one member of a travel labor organization, a consumer advocate, an academician and a financial expert.

Members advise the Secretary of Commerce on matters pertinent to the Department's responsibilities to accomplish the purpose of the National Tourism Policy Act (Pub. L. 97–63), and provide guidance to the Assistant Secretary for Tourism Marketing in the preparation of annual marketing plans.

Agenda items are as follows:

I. Call to Order
II. Roll Call
III. Old Business
IV. New Business
V. Legislative Issues

VI. Miscellaneous
VII. Adjournment

A very limited number of seats will be available to observers from the public and the press. To assure adequate seating, individuals intending to attend should notify the Committee Control Officer in advance. The public will be permitted to file written statements with the Committee before or after the meeting. To the extent time is available, the presentation of oral statements is allowed.

Karen M. Cardran, Committee Control Officer, United States Travel and Tourism Administration, room 1860, U.S. Department of Commerce, Washington, DC 20230 (telephone: 202–377–1904) will respond to public requests for information about the meeting.

John G. Keller, Jr.,

Under Secretary of Commerce for Travel and Tourism.

[FR Doc. 92–20965 Filed 9–1–92; 8:45 am]

BILLING CODE 3510–11–M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Establishment of an Import Limit for Certain Cotton and Man-Made Fiber Textile Products Produced or Manufactured in Qatar

August 27, 1992.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs establishing a limit.

EFFECTIVE DATE: September 3, 1992.

FOR FURTHER INFORMATION CONTACT: Jennifer Tallarico, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377–4212. For information on the quota status of this limit, refer to the Quota Status Reports posted on the bulletin boards of each Customs port or call (202) 927–5850. For information on embargoes and quota re-openings, call (202) 377–3715. For information on categories on which consultations have been requested, call (202) 377-3740.

SUPPLEMENTARY INFORMATION:

Authority: Executive Order 11651 of March 3, 1972, as amended; section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854).

Inasmuch as consultations have not yet been held on a mutually satisfactory solution on Categories 340/640, the United States Government has decided to control imports in these categories for the period beginning on June 30, 1992 and extending through June 29, 1993.

The United States remains committed to finding a solution concerning these categories. Should such a solution be reached in consultations with the Government of Qatar, further notice will be published in the **Federal Register**.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see **Federal Register** notice 56 FR 60101, published on November 27, 1991). Also see 57 FR 32199, published on July 21, 1992.

Auggie D. Tantillo,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

August 27, 1992.

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229.

Dear Commissioner: Under the terms of section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended, you are directed to prohibit, effective on September 3, 1992, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton and man-made fiber textile products in Categories 340/640, produced or manufactured in Qatar and exported during the period beginning on June 30, 1992 and extending through June 29, 1993, in excess of 282,683 dozen [1].

Textile products in Categories 340/640 which have been exported to the United States prior to June 30, 1992 shall not be subject to the limit established in this directive.

Textile products in Categories 340/640 which have been released from the custody of the U.S. Customs Service under the provisions of 19 U.S.C. 1448(b) or 1484(a)(1)(A) prior to the effective date of this directive shall not be denied entry under this directive.

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The Committee for the Implementation of Textile Agreements has determined that this action falls within the foreign affairs exception of the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

Auggie D. Tantillo,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 92–21038 Filed 9–1–92; 8:45 am]

BILLING CODE 3510–DR–F

[1] The limit has not been adjusted to account for any imports exported after June 29, 1992.

COMMODITY FUTURES TRADING COMMISSION

Chicago Board of Trade; Proposed Amendments to the Diammonium Phosphate Futures Contract

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice of proposed contract market rule changes.

SUMMARY: The Chicago Board of Trade (CBT) has submitted proposed amendments to its diammonium phosphate futures contract that would increase the deliverable supply of shipping certificates by expanding the delivery territory and by adding storage-only facilities in the revised delivery area as eligible facilities. In accordance with section 5a(12) of the Commodity Exchange Act and acting pursuant to the authority delegated by Commission Regulation 140.96, the Director of the Division of Economic Analysis (Division) of the Commodity Futures Trading Commission (Commission) has determined, on behalf of the Commission, that the proposed amendments are of major economic significance. On behalf of the Commission, the Division is requesting comment on these proposals.

DATE: Comments must be received on or before October 2, 1992.

ADDRESS: Interested persons should submit their views and comments to Jean A. Webb, Secretary, Commodity Futures Trading Commission, 2033 K Street NW., Washington, DC 20581. Reference should be made to the proposed amendments to the CBT diammonium phosphate futures contract.

FOR FURTHER INFORMATION CONTACT: Joseph B. Storer, Division of Economic Analysis, Commodity Futures Trading Commission, 2033 K Street NW., Washington, DC 20581, telephone 202–254–7303.

SUPPLEMENTARY INFORMATION: The CBT was designated as a contract market in diammonium phosphate (DAP) futures on July 25, 1991. The DAP futures contract provides for delivery of 100 short tons (200,000 lbs) of free flowing diammonium phosphate. The delivery area is comprised of three counties, Polk, Hillsborough and Manatee, in central Florida. The price basis is f.o.b. rail cars in these counties. Delivery of DAP futures is made by tendering diammonium phosphate shipping certificates issued by regular shippers (*i.e.*, DAP manufacturing plants) designated by the CBT.

The proposed amendments would: (1) Expand the delivery territory to also include on-water facilities below Mississippi River mile marker 228.2 at Port Allen Lock near Baton Rouge, Louisiana (referred to as NOLA); (2) allow storage-only facilities in the revised delivery areas to become regular for deliverable status on the subject contract; (e) revise the sampling procedures for loading water conveyances; (4) include weighing procedures for loading water conveyances; (5) revise the conditions under which premium charges assessed by the shipper to the certificate holder shall cease; (6) require that loading orders and shipping instructions be included when delivery is from on-water facilities; (7) establish a premium of $8.00 per ton for barge or vessel load-out from an on-water facility in the three-county delivery territory of Central Florida, a premium of $8.00 per ton for vessel load-out from an on-water NOLA facility, and a premium of $12.00 per ton for barge load-out from an on-water NOLA facility; and (8) revise the load-out procedures for off-water facilities and specify load-out procedures for on-water facilities.

The CBT explained that:

The purpose of the proposed amendments is to ensure the continued viability of the DAP futures contract. While the current regulations provide for a potential deliverable supply which is more than adequate to satisfy the delivery needs of the contract, only three of the seven producers in Central Florida are currently regular for delivery. Because of concerns about the capacity of regular firms to issue shipping certificate for delivery, commercial firms have been reluctant to either participate in or fully utilize the DAP contract for their hedging needs. Insufficient market liquidity is a further impediment to firms who want to participate in the futures market. Market liquidity must be increased to ensure the continued viability of the DAP futures contract and create the potential for the contract to mature into an established futures contract used routinely by commercial firms as a pricing and hedging medium.

In order to increase market liquidity, the Exchange is proposing to expand the contract's delivery options to allow additional firms to be eligible to be regular for delivery. The proposed contract terms have been constructed to be fair and equitable to both longs and shorts to facilitate the development of market liquidity. The changes represented by these amendments were developed with input from industry participants.

The Division is requesting comments on the appropriateness of the proposed changes noted above. Specifically, the Division requests comment on the relationship of the revised terms and conditions to customary cash market practices for DAP in the two delivery territories.

Copies of the terms and conditions of the proposed contracts will be available for inspection at the Office of the Secretariat, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, DC 20581. Copies of the amended terms and conditions can be obtained through the Office of the Secretariat by mail at the above address or by phone at (202) 254–6314.

The materials submitted by the CBT in support of the proposed amendments may be available upon request pursuant to the Freedom of Information Act (5 U.S.C. 552) and the Commission's regulations thereunder (17 CFR part 145 (1987)). Requests for copies should be made to the FOI, Privacy and Sunshine Act Compliance Staff of the Office of the Secretariat at the Commission's headquarters in accordance with 17 CFR 145.7 and 145.8.

Any person interested in submitting written data, views, or arguments on the proposed amendments should send such comments to Jean A. Webb, Secretary, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, DC 20581 by the specified date.

Issued in Washington, DC, on August 27, 1992.

Gerald D. Gay,

Director.

[FR Doc. 92–21054 Filed 9–1–92; 8:45 am]

BILLING CODE 6351–01–M

DEPARTMENT OF DEFENSE

Department of the Air Force

USAF Scientific Advisory Board; Meeting

The USAF Scientific Advisory Board Electronic Systems Center Advisory Group, Air Force Material Command, will hold meetings on 22 September 1992 from 8:30 a.m. to 5 p.m. and 23 September 1992 from 8:30 a.m. to 12 Noon. The meeting will be held in the Command Management Center, Building 1606, Hanscom AFB, Massachusetts.

The Advisory group will address Theater Battle Management (TBM) C3I Architecture and systems to support Global Reach/Global Power. Also discussed will be TBM technology and system-of-system engineering/integration activities.

The meetings concern matters listed in section 552(b) of title 5, United States Code, specifically subparagraph (1) thereof, and accordingly will be closed to the public.

For further information, contact the Scientific Advisory Board Secretariat at (703) 697–4811.

Grace T. Rowe,

Alternate Air Force Federal Register Liaison Officer.

[FR Doc. 92–21045 Filed 9–1–92; 8:45 am]

BILLING CODE 3910–01–M

Department of the Navy

Government-owned Inventions; Availability for Licensing

AGENCY: Department of the Navy; DOD.

ACTION: Notice of availability of inventions for licensing.

SUMMARY: The inventions listed below are assigned to the United States Government as represented by the Secretary of the Navy and are made available for licensing by the Department of the Navy.

Copies of patents cited are available from the Commissioner of Patents and Trademarks, Washington, DC 20231, for $3.00 each. Requests for copies of patents must include the patent number.

Copies of patent applications cited are available from the National Technical Information Service (NTIS), Springfield, Virginia 22161, for $6.95 each ($10.95 outside North American Continent). Requests for copies of patent applications must include the patent application serial number. Claims are deleted from the patent applications copies sold to avoid premature disclosure.

FOR FURTHER INFORMATION CONTACT: Mr. R.J. Erickson, Staff Patent Attorney, Office of the Chief of Naval Research (Code OOCCIP), Arlington, Virginia 22217–5000, telephone (703) 696–4001.

Patent 4,991,509: Optical Proximity Detector; filed 24 June 1983; patented 12 February 1991

Patent 4,992,988: Underwater Acoustic Control System; filed 29 November 1973; patented 12 February 1991

Patent 5,021,796: Broad Band, Polarization Diversity Monopulse Antenna; filed 15 January 1971; patented 4 June 1991

Patent 5,029,953: Ultraviolet Optical Isolator Utilizing the KDP-Isomorphs; filed 17 October 1900; patented 9 July 1991

Patent 5,039,493: Positive Pressure Blotting Apparatus with Hydrophilic Filter; filed 4 May 1990; patented 13 August 1991

Patent 5,039,894: Magnetostrictive Linear Motor; filed 11 October 1990; patented 13 August 1991

Patent 5,040,464: Controlled Fragementation with Fragment Mix; filed 31 May 1977; patented 20 August 1991

Patent 5,041,400: Low Temperature Synthesis of High Purity Monoclinic Celsian; filed 13 September 1990; patented 20 August 1991

Patent 5,043,378: High Temperature Silicide Protective Coating Slurry; filed 1 February 1991; patented 27 August 1991

Patent 5,049,212: High Energy Explosive Yield Enhancer Using Microencapsulation; filed 27 March 1991; patented 17 September 1991

Patent 5,049,213: Plastic Bonded Explosives Using Fluorocarbon Binders; filed 10 October 1985; patented 17 September 1991

Patent 5,050,220: Optical Fingerprint Correlator; filed 24 July 1990; patented 17 September 1991

Patent 5,051,307: Process for Producing Uniform Protective Coating of Silver Metal on Carbon/Carbon Composites; filed 3 July 1990; patented 24 September 1991

Patent 5,051,695: Thin Film Vector Magnetometer; filed 16 May 1990; patented 24 September 1991

Patent 5,060,115: Heat Sink Device for Electronics Modules Packaged in Cylindrical Casings; filed 25 September 1990; patented 22 October 1991

Patent 5,060,314: Multi-Mission Ballistic Resistant Jacket; filed 3 April 1990; patented 29 October 1991

Patent 5,061,933: Short-Range Radar System; filed 13 April 1976; patented 29 October 1991

Patent 5,061,973: Semiconductor Heterojunction Device with Graded Bandgap; filed 27 April 1990; patented 29 October 1991

Patent 5,062,083: Ping Elongator-Modulator for Realistic Echo Synthesis; filed 15 June 1965; patented 29 October 1991

Patent 5,063,851: Expendable Breech Gun Round; filed 28 October 1975; patented 12 November 1991

Patent 5,067,996: Plastic Bonded Explosives Which Exhibit Mild Cook-Off and Bullet Impact Insensitive Properties; filed 17 October 1977; patented 26 November 1991

Patent 5,068,832: Binaural Ultrasound Detector and Imager; filed 15 February 1990; patented 26 November 1991

Patent 5,070,807: Temporary Canopy for Small Watercraft; filed 2 August 1990; patented 10 December 1991

Patent 5,073,720: Liquid Level and Volume Measurement Device; filed 30 July 1990; patented 17 December 1991

Patent 5,073,784: Transmitter Location System for Frequencies Below HF; filed 26 April 1972; patented 17 December 1991

Patent 5,074,493: Wing-Extendible Gliding Store; filed 21 December 1990; patented 24 December 1992

Patent 5,075,094: Method of Growing Diamond Film on Substrates; filed 30 April 1990; patented 24 December 1991

Patent 5,075,655: Ultra-Low-Loss Strip-Type Transmission Lines, Formed of Bonded Substrate Layers; filed 1 December 1989; patented 24 December 1991

Patent 5,078,768: Hot Isostatic Pressing of Fluoride Glass Materials; filed 19 December 1990; patented 7 January 1992

Patent 5,078,951: High Efficiency Fast Neutron Threshold Deflector; filed 1 August 1990; patented 7 January 1992

Patent 5,079,321: Nonlinear Optical Acrylic Polymers and Use Thereof in Optical and Electro-Optic Devices; filed 16 July 1980; patented 7 January 1992

Patent 5,080,752: Consolidation of Diamond Packed Powders; filed 8 July 1991; patented 14 January 1992

Patent 5,082,200: Method of Guiding an In-Flight Vehicle Toward a Target; filed 3 December 1990; patented 21 January 1992

Patent 5,082,202: Droppable Jet Vane TVC; filed 6 January 1975; patented 21 January 1992

Patent 5,082,431: Mechanical Scavenging System for Single Screw Compressors; filed 3 July 1986; patented 21 January 1992

Patent 5,082,826: Silver Coated Superconducting Ceramic Powder; filed 2 August 1990; patented 21 January 1992

Patent 5,083,174: Floating Gate Magnetic Field Sensor; filed 31 July 1990; patented 21 January 1992

Patent 5,083,852: Laser Beam Stop; filed 13 May 1990; patented 28 January 1992

Patent 5,084,880: Erbium Doped Fluorozirconate Fiber Laser Pumped by a Diode Laser Producing Source; filed 2 July 1990; patented 27 January 1992

Patent 5,086,329: Planar Gallium Arsenide NPNP Microwave Switch, filed 27 July 1990; patented 4 February 1992

Patent 5,086,432: Resonantly Pumped, Erbium-Doped, 2.8 Micron Solid State Laser with High Slope Efficiency; filed 23 May 1991; patented 4 February 1992

Patent 5,088,103: Room-Temperature, Flashpumped, 2.09 Micron Solid State Laser, filed 30 April 1990; patented 11 February 1992

Patent 5,088,327: Phase Cancellation Enhancement of Ultrasonic Evaluation of Metal-to-Elastomer Bonding; filed 17 May 1990; patented 18 February 1992

Patent 5,089,551: Corrosion-Resistant Alkyd Coatings; filed 14 December 1990; patented 18 February 1992

Patent 5,089,742: Electron Beam Source Formed with Biologically Derived Tubule Materials; filed 28 September 1990; patented 18 February 1992

Patent 5,091,732: Lightweight Deployable Antenna System; filed 7 September 1990; patented 25 February 1992

Patent 5,091,890: Method of Extracting Target Range and Doppler Information From a Doppler Spread Signal; filed 20 May 1991; patented 25 February 1992

Patent 5,092,944: High Energy Cast Explosives Based on Dinitropropylacrylate; filed 7 May 1976; patented 3 March 1992

Patent 5,092,945: Glycidyl Azine Propellant With Antigassing Additives; filed 1 March 1982; patented 3 March 1992

Patent 5,095,312: Impulse Transmitter and Quantum Detector Radar System, filed 12 April 1991; patented 10 March 1992

Patent 5,095,841: Underwater Mooring System Using an Underwater Traction Winch; filed 30 October 1990; patented 17 March 1992

Patent 5,097,221: Adaptive Filter Technique for Suppression of Wideband or Offset Radio Frequency Interference; filed 21 December 1990; patented 17 March 1992

Patent 5,097,451: Radial Damper Disk; filed 20 December 1990; patented 17 March 1992

Patent 5,099,745: Apparatus for Designing a Specially Ported Torpedo Launching System to Damp a Seawater Piston; filed 25 July 1990; patented 31 March 1992

Patent 5,100,049: Method of Bonding Carbon-Carbon and Metal Matrix Composite Structures; filed 1 July 1991; patented 31 March 1992

Patent 5,100,942: Corrosion-Resistant Acrylic Coatings; filed 3 April 1991; patented 31 March 1992

Patent 5,101,310: Matched Record/Playback AGC Amplifier System; filed 28 May 1991; patented 31 March 1992

Patent 5,104,223: Optical Interferometric Sensor Detected Intensity Noise Reduction Means; filed 5 February 1990; patented 14 April 1992

Patent 5,106,034: Device and Process for Attachment of Parts to Rocket Motors; filed 28 February 1991; patented 21 April 1992

Patent 5,116,216: Apparatus for Processing Thermoplastic Composites; filed 28 February 1991; patented 26 May 1992

Patent Application 487,489: Air Cushion Vehicle Conductive/Semiconductive Skirt; filed 2 March 1990

Patent Application 675,203: Metering System for Compressible Fluids; filed 26 March 1991

Patent Application 693,106: Modular Signal Processing Unit; filed 23 April 1991

Patent Application 725,717: Method Fabricating Load-Bearing Composites Free From Microbuckling Deformation up to a Predetermined Load; filed 3 July 1991

Patent Application 749,825: Method for Implanting Impurities in Semiconductors and Semiconductor Implanted with Impurities; filed 26 August 1991

Patent Application 750,998: Apparatus and Methods for Determining Balance of a Cylindrical Vehicle; filed 28 August 1991

Patent Application 754,779: Process which Aids in the Laying out of Locations of Personnel and Equipments in Functional Organizations; filed 30 August 1991

Patent Application 756,264: Process which Aids in the Laying Out of Locations of Personnel and Equipments in Functional Organizations; filed 30 August 1991

Patent Application 758,918: Cable Connector/Adapter Support for Multi-Terminal Data Processors; filed 10 September 1991

Patent Application 762,818: Dynamic Test Apparatus for Electro-Phenological Fluids; filed 16 September 1991

Patent Application 764,747: Inverse Tomography by Matched Field Processing; filed 24 September 1991

Patent Application 766,599: Digital Echo Repeater; filed 26 September 1991

Patent Application 766,939: Fabrication and Phase Tuning of an Optical Waveguide Device; filed 27 September 1991

Patent Application 767,187: Replacements for Hydrogen Peroxide for use with Horseradish Peroxidase in Immunoassay; filed 30 September 1991

Patent Application 767,189: Optical Flow Sensor; filed 30 September 1991

Patent Application 767,955: A Multiple Axis Fiber Optic Magnetometer; filed 30 September 1991

Patent Application 769,685: Two Bearing Ranging of an Incoming Intercept Contact; filed 2 October 1991

Patent Application 771,928: Interface Board for Providing Time Signals to a Super Minicomputer; filed 7 October 1991

Patent Application 782,197: Method of Forming Nanometer-Scale Trenches and Vias; filed 24 October 1991

Patent Application 783,660: Friction Drive Position Transducer; filed 28 October 1991

Patent Application 783,663: Wide Band Width Barrel Stave Projector; filed 29 October 1991

Patent Application 786,641: Magnetic Multilayer Strain Gage; filed 1 November 1991

Patent Application 787,994: Process for Making Superplastic Steel Power and Flakes; filed 15 November 1991

Patent Application 807,020: Safety and Arming System for Tube Launched Projectile; filed 13 December 1991

Dated: August 25, 1992.

Wayne T. Baucino,

LT, JAGC, USNR, Alternate Federal Register Liaison Officer.

[FR Doc. 92-21044 Filed 9-1-92; 8:45 am]

BILLING CODE 4810-AE-M

Office of the Secretary

Civilian Health and Medical Program of the Uniformed Services (CHAMPUS)

AGENCY: Office of the Secretary, DoD.

ACTION: Notice of the TRICARE—Tidewater Coordinated Care Demonstration Project.

SUMMARY: Notice is hereby given that a demonstration project will be conducted by the three military services, under the provisions of title 10, United States Code, section 1092, to test a different method for financing and delivering health care services under the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS). This demonstration project is also authorized by section 712(b) of the National Defense Authorization Act for Fiscal Years 1992 and 1993, Public Law 102-190. Delivery of services under the demonstration, hereafter referred to as TRICARE, is expected to begin 30 days from the date of this notice, for all beneficiaries who reside in the Tidewater region of Virginia (the catchment areas of Naval Hospital Portsmouth, Virginia; McDonald Army Community Hospital at Fort Eustis; The First Medical Group, Langley AFB). The current CHAMPUS Fiscal Intermediary (FI) contract will be modified under the authority of 10 United States Code, section 1079(n). The execution of this modification will result in 15 months of service delivery by the current FI. At such time, the FI contract will be recompeted. An ongoing evaluation of the demonstration will be conducted by the Center for Naval Analysis (CNA). TRICARE is a Tri-service Coordinated Care initiative under the direction of the commanders of the three military treatment facilities (MTFs) and administered by the TRICARE office. TRICARE will be responsible for the administration of all CHAMPUS funds in the Tidewater area except mental health services. Direct health care funds will be retained by the respective services and individual MTF commanders. The Navy has been appointed by the Assistant Secretary of Defense (Health Affairs) to act as the Executive Agent. The TRICARE Project provides alternatives for the financing and delivery of health care services under CHAMPUS. It represents structural reform, centered on the principles of managed care and the coordination of the military-civilian health care partnership. The demonstration relies on a coordinated consortium of private companies and the three military services to deliver medical care to all eligible beneficiaries residing in the Tidewater Region of Virginia. The objectives of the demonstration are to: (1) Enhance beneficiary access to care, (2) curb health care cost growth, (3) strengthen quality assurance activities, and (4) improve coordination between the military and civilian components of the Military Health Services System (MHSS).

DATES: On or before October 2, 1992, health care beneficiaries in the Tidewater Region of Virginia may elect to seek health care from providers who agree to participate in the preferred provider network (TRICARE CC Extra or CC Extra). By 1 April, 1993 beneficiaries may elect to participate in an enrollment option called TRICARE CC Plus or CC Plus. Standard CHAMPUS (TRICARE CC Basic or CC Basic) is still available for beneficiaries who choose neither of the previous two options.

FOR FURTHER INFORMATION CONTACT: Captain James F. Howick, U.S. Navy, TRICARE Office, 5365-D Robin Hood Road, Norfolk, VA 23513, telephone (804) 444-2672.

SUPPLEMENTARY INFORMATION: Under the TRICARE demonstration, MHSS eligible beneficiaries in the Tidewater Region of Virginia will be able to choose among three options: (1) They may enroll in the managed care option (CC Plus); (2) they may use the preferred provider network on a case by case basis (CC Extra), (3) or they may remain in the standard CHAMPUS benefit plan, called CC Basic. All active duty will enroll in CC Plus. Medicare eligible beneficiaries may enroll in CC Plus when offered or use the preferred provider network on a case-by-case

basis under CC Extra; however, care rendered by civilian providers continue to be subject to Medicare rules, procedures, and reimbursement rates. All beneficiaries who do not enroll in CC Plus or use network providers remain free to use any military hospital on a space available basis. Non-CHAMPUS eligible beneficiaries may enroll in the direct care system only. Enrollees in CC Plus will obtain practically all their care within the network and pay reduced CHAMPUS cost shares when they receive care from civilian providers. Authorization from TRICARE will be required by TRICARE CC Plus enrollees want to use providers outside the network. Beneficiaries may preserve their freedom of choice for the most part by choosing the TRICARE CC Basic. All current CHAMPUS rules still apply under this option. These beneficiaries will face standard CHAMPUS cost sharing requirements, except that their coinsurance percentages will be lower when they use the preferred provider network (CC Extra).

At TRICARE's request, OCHAMPUS has modified the CHAMPUS Mid-Atlantic Fiscal Intermediary's contract with Blue Cross and Blue Shield of South Carolina (BCBS/SC), a private health insurance company headquartered in Columbia, South Carolina. BCBS/SC will establish the preferred provider network comprised of health care providers and institutions that offer discounts off of the normal CHAMPUS rates and are both CHAMPUS and Medicare Participating Providers. BCBS/SC will continue to process claims for all beneficiaries who reside in the Tidewater region of Virginia catchment area. All negotiated CHAMPUS rates for both professional services and in-patient procedures will be applicable to services provided to active duty members. The negotiated charges for individual professional services under the terms of the demonstration, shall be included with all billed charges for purposes of establishing the prevailing charge.

The enrollment system, which will be available by April 1, 1993, represents one of four cornerstones of the foundation for TRICARE's CC Plus. This system will enable the military treatment facility commanders to identify beneficiaries who rely upon the more closely coordinated military and civilian provider systems as their source of health care and to marshal resources most effectively to meet their health care needs.

Another cornerstone includes the primary care manager (PCM) process and the Health Care Finder (HCF) functions. CC Plus enrollees will have a PCM as a regular point-of-service for most health care needs. The PCM will refer patients for needed specialty care to an MTF or civilian network provider; in this aspect the PCM will be complemented by the TRICARE Service Center (TSC), an administrative office to support the specialty referral process. CC Basic enrollees will be encouraged to use the services of the TSC, including the preferred provider network. The Health Care Finder function will be provided at centers established at each military hospital. The contractor will establish a service center near Naval Hospital Portsmouth. Health care finders will help beneficiaries obtain appointments for services in the most appropriate setting, whether in a military facility or with civilian providers, to facilitate beneficiary access to care and help ensure optimal use of military hospitals. The MTFs will be considered the most preferred provider. The service centers will also serve as a source of information and will assist beneficiaries with resolution of claims problems. The use of the service centers will be available 30 days from the date of this notice.

The third cornerstone of TRICARE is the preferred provider network, comprised of a wide array of qualified health care providers. The civilian preferred provider will agree to follow established rules and procedures for sound utilization management, maintain close coordination with the military facility, provide affordable and high quality care, be easy to manage.

The fourth cornerstone of TRICARE is the comprehensive quality management program that will attempt to balance optimization of resources with high quality care across the Tidewater region. The new CHAMPUS Regional Review Center, the Medical Society of Virginia Review Organization (MSVRO), will use national standards for utilization review and peer review of selected cases. TRICARE will ensure adherence to all rules applicable to this program. A separate CHAMPUS National Quality Monitoring Contract will oversee the review process.

CC Plus

This is a voluntary, HMO-like enrollment option offered as an alternative to standard CHAMPUS. CC Plus provides enhanced CHAMPUS benefits to all enrolled beneficiaries. By April 1, 1993, the CC Plus will be offered throughout the TRICARE service area. The benefits package available to enrollees will contain the same benefits as are available under standard CHAMPUS, plus benefit enhancements offered by TRICARE. These enhancements will include such services as routine physicals and other preventive care procedures not covered under standard CHAMPUS. These benefits will be uniform across all areas of the Tidewater region. This plan requires no annual deductible, offers free primary care office visits for most outpatient care for dependents of sponsors (retired or active duty) in pay grades E–4 and below and requires no daily hospital fee for active duty dependents. (If the sponsor is in the pay grades of E–5 or above, there is a $5 co-payment for most outpatient care.) Retirees and their dependents are charged $75 per day for civilian hospital care up to a maximum of $750 per admission. (See table 1) Beneficiaries who elect CC Plus will have the added benefit of not having to file claims forms. Urgent care visits cost $15 each, and emergency room visits have a $25 fee paid by the patient. Patients who choose CC Plus must follow TRICARE's rules for seeking non-emergency medical care and other applicable rules. They will agree to stay in the program for a full year, unless they move out of an area. Patients who are enrolled and who are not happy with a particular provider will be permitted to choose another one within the network. A patient may disenroll at any time but then cannot reenroll until the next time enrollment is offered. More details of this option will be published before the start of the enrollment option.

CC Extra

This option will be available 30 days from the date of this notice. CHAMPUS beneficiaries who do not choose CC Plus will be able to participate in this preferred provider option. Beneficiaries who receive care from one of the FI contractor's network providers will be entitled to a reduced level of cost-sharing. Under this option, patients will be covered for the same medical services as under the standard CHAMPUS program, and they will get discounts for office visits and hospital inpatient care by using providers who are members of the preferred provider network. Dependents of active duty service members, as an example, will pay 15 percent of the CHAMPUS negotiated reimbursement rate for a doctor's office visit in the contractor network instead of 20 percent required under the standard CHAMPUS program. Retirees from their families will pay 20 percent rather than 25 percent for office visits. For inpatient care, retirees will be $125 per day (or 25 percent of the

negotiated reimbursement rate), whichever is less, plus 20 percent of inpatient professional fees, instead of the current 25 percent. (See table 2) CC Extra offers greater freedom of choice than CC Plus because patients do not have to enroll. CHAMPUS patients can elect to use this option on a case-by-case basis. Standard CHAMPUS deductibles continue to apply and rules regarding NAS eligibility continue. As in CC Plus, beneficiaries have the added benefit of not having to file claims forms for care received through the preferred provider network.

CC Basic

This plan refers to the standard CHAMPUS Program and the CHAMPUS Program for the Handicapped. CC Basic will continue to be available in the Tidewater region to CHAMPUS beneficiaries who choose not to enroll or use network providers. The CHAMPUS Expanded Home Health Care—Case Management Demonstration is included since TRICARE has been named the fourth demonstration site. This is a separate demonstration that will operate in tandem with other TRICARE initiatives. Details of this demonstration was given in the **Federal Register** on June 3, 1988 (53 FR 20359).

Duration

The TRICARE Demonstration project will continue for a minimum of three years. The modifications will remain in place for the duration of the BCBS/SC Mid-Atlantic Fiscal Intermediary contract, which expires January 31, 1994.

Exclusions to the Tricare Demonstration Project

The following are not covered under the demonstration.

—Mental health care benefits will remain under the control of Tidewater Mental Health Contracted Provider Arrangement (CPA) Demonstration Project. All rules that are in place will continue to apply.

—Beneficiaries eligible under the Civilian Health and Medical Program of the Veterans Administration (CHAMPVA) are not covered under this demonstration.

All current CHAMPUS rules, unless this notice specifically provided otherwise, will continue to apply.

This notice reflects the changes under this demonstration which is expected to start 30 days from the date of this notice. A separate, additional notice will be published announcing more details of TRICARE CC Plus option and the opportunity for enrollment.

I. Outpatient Services:

TABLE 1.—COORDINATED CARE PROGRAM; BENEFITS AND BENEFICIARY PAYMENTS UNDER THE CC PLUS PLAN

[See Note 1 Below]

Annual deductible	CC Plus
Applied to all outpatient services	None.
Standard CHAMPUS benefits, type of service	**Beneficiary cost share, CC Plus (note 2)**
Physician Services: Office visits; outpatient office-based medical and surgical care; consultation, diagnosis and treatment by a specialist; allergy tests and treatment; osteopathic manipulation; medical supplies used within the office including casts, dressings, and splints.	$5 copayment per visit.
Laboratory and X-Ray Services	$5 copayment per visit. (No copayment if included in provider's office visit.)
Routine Pap Smears: Frequency to depend on physician recommendations based on the published guidelines of the American Academy of Obstetrics and Gynecology.	$5 copayment per visit. (No copayment if included in provider's office visit.)
Ambulance Services: When medically necessary as defined by CHAMPUS Policy Manual and the service is a covered benefit.	$5 copayment per occurrence.
Emergency Services: Emergency and urgently needed care obtained on an outpatient basis, both network and non-network and in and out of Region.	$25 copayment per emergency room visit. $15 copayment per urgent care center visit.
Durable Medical Equipment, Prosthetic Devices, and Medical Supplies Prescribed by an Authorized Provider Which Are Covered Benefits (If dispensed for use outside of the office or after the home visit.)	Cost share—10% of the negotiated reimbursement rate.
Home Health Care: Part-time skilled nursing care, physical, speech & occupational therapy when medically necessary and which are covered benefits.	$5 copayment per visit.
Family Health Services: Family planning and well baby care (up to 24 months of age). The exclusions listed in the CHAMPUS Policy Manual will apply.	$5 copayment per visit.
Outpatient Mental Health: One hour of therapy, no more than two times each week (when medically necessary).	$10 copayment for individual visits. $5 copayment for group visits.
Partial Hospitalization for Alcoholism Treatment: Up to 21 days for rehabilitation on a limited hour per day basis. Does not count toward the limits for days of mental health inpatient care.	
Prescription Drugs	$4 copayment per Rx up to a 30-day supply for Active Duty Family Members. $5 copayment per Rx up to a 30-day supply for Retirees, their Family Members and Survivors.
Eye Examinations: One routine examination per year covered for family members of active duty sponsors.	$5 copayment per examination.
Ambulatory Surgery (same day): Authorized hospital-based or free-standing ambulatory surgical center that is CHAMPUS certified.	Active Duty Family Members: None. Retirees and their Family Members and Survivors: $5 copayment for primary surgeon only.
Immunizations: Immunizations required for active duty family members whose sponsors have permanent change of station orders to overseas locations.	$5 copayment per visit.
Enhanced benefits, type of service	**Beneficiary cost share, CC Plus**
Immunizations: Pediatric and adult immunizations as recommended by the American Academy of Pediatrics for children and by the U.S. Public Health Service for adults.	$5 copayment per visit up to 24 months of age. (See Family Health Services.) $5 copayment per immunization for over 2 years old.
Periodic Physical Examinations: Conducted by Primary Care Manager for ages over 24 months. (For well baby care up to 24 months of age, see "Family Health Services" above.)	$5 copayment per physical for ages 2–6. $15 copayment per physical for ages 7 and over.
Eye Examinations: One routine examination per year covered for retirees under age 18 and survivors and family members under age 18.	$5 copayment per examination.

Enhanced benefits, type of service	Beneficiary cost share, CC Plus
Wellness Classes, Community Health Services, and Community Resource Coordination*	No charge or minimal copayment.

II. Inpatient Services:

Standard CHAMPUS benefits (see note 3), type of service	Beneficiary cost share, CC Plus
Hospitalization: Semiprivate room (and when medically necessary, special care units), general nursing, and hospital service. Includes inpatient physician and their surgical services, meals including special diets, drugs and medications while an inpatient, operating and recovery room, anesthesia, laboratory tests, x-rays and other radiology services, necessary medical supplies and appliances, blood and blood products. Unlimited services with authorization, as medically necessary.	Active Duty Family Members: None. Retirees and their Family Members and Survivors: $75 per day copayment, with a $750 maximum per admission, for institutional services. None for professional services.
Maternity: Hospital and professional services (prenatal, postnatal). Unlimited services with authorization, as medically necessary.	
Skilled Nursing Facility Care: Semiprivate room, regular nursing services, meals including special diets, physical, occupational and speech therapy, drugs furnished by the facility, necessary medical supplies, and appliances. Unlimited services with authorization, as medically necessary.	
Hospitalization for Mental Illness With authorization, up to 30 days per fiscal year for adults (age 19+), up to 45 days per fiscal year for children under age 19.	Active Duty Family Members: None. Retirees and their Family Members and Survivors: $50 per day copayment or 25% cost share of total charges (based on the negotiated reimbursement rate), whichever is less.
Alcoholism (Inpatient, partial): With authorization, 7 days for detoxification and 21 days for rehabilitation per 365 days. Maximum of one rehabilitation program per year and three per lifetime. Detoxification and rehabilitation days count toward limit for mental health benefits.	

Note 1: The beneficiary copayments (i.e., beneficiary payments expressed as a specified amount) in this chart are effective for FY 1993, and will be updated for inflation each fiscal year by the national CPI-U medical index (the medical component of the Urban Consumer Price Index). Beneficiary cost shares (i.e., beneficiary payments expressed as a percentage of the provider's fee) will not be similarly updated. CHAMPUS annual deductibles under CC Basic will not be similarly updated. The beneficiary is responsible for the full cost of noncovered services and nonemergency services obtained outside the network without prior authorization.

Note 2: There is no copayment under CC Plus for primary care or preventive services for family members of active duty or retired sponsors with pay grades of E–4 and below.

Note 3: No enhanced inpatient benefits under CC Plus.

I. Outpatient Services:

TABLE 2.—COORDINATED CARE PROGRAM; BENEFITS AND BENEFICIARY PAYMENTS UNDER CC EXTRA

Annual deductible	CC Extra
Applied to all outpatient services	Standard CHAMPUS deductible as defined in CHAMPUS Policy Manual.

Standard CHAMPUS benefits, type of service	Beneficiary cost share, CC Extra
Physician Services: Office visits; outpatient office-based medical and surgical care; consultation, diagnosis and treatment by a specialist; allergy tests and treatment; osteopathic manipulation; medical supplies used within the office including casts, dressings, and splints.	Active Duty Family Members: Cost share—15% of the negotiated reimbursement rate. Retirees and their Family Members and Survivors: Cost share—20% of the negotiated reimbursement rate.
Laboratory and X-Ray Services.	
Routine Pap Smears: Frequency to depend on physician recommendations based on the published guidelines of the American Academy of Obstetrics and Gynecology.	
Ambulance Services: When medically necessary as defined by CHAMPUS Policy Manual and the service is a covered benefit.	
Emergency Services: Emergency and urgently needed care obtained on an outpatient basis, both network and non-network and in and out of Region.	
Durable Medical Equipment, Prosthetic Devices, and Medical Supplies Prescribed by an Authorized Provider Which Are Covered Benefits (If dispensed for use outside of the office or after the home visit).	Active Duty Family Members: Cost share—15% of the negotiated reimbursement rate. Retirees and their Family Members and Survivors: Cost share—20% of the negotiated reimbursement rate.
Home Health Care: Part-time skilled nursing care, physical, speech & occupational therapy when medically necessary and which are covered benefits.	
Family Health Services: Family planning and well baby care (up to 24 months of age). The exclusions listed in the CHAMPUS Policy Manual will apply.	
Outpatient Mental Health: One hour of therapy, no more than two times each week (when medically necessary).	
Partial Hospitalization for Alcoholism Treatment: Up to 21 days for rehabilitative on a limited hour per day basis. Does not count toward the limits for days of mental health inpatient care.	
Prescription Drugs.	
Eye Examinations: One routine examination per year covered for family members of active duty sponsors.	Cost share—15% of the negotiated reimbursement rate.
Ambulatory Surgery (Same Day): Authorized hospital-based or free-standing ambulatory surgical center that is CHAMPUS certified.	Active Duty Family Members: None. Retirees and their Family Members and Survivors: Cost share—20% of the negotiated reimbursement rate.

Standard CHAMPUS benefits, type of service	Beneficiary cost share, CC Extra
Immunizations: Immunizations required for active duty family members whose sponsors have permanent change of station orders to overseas locations.	Active Duty Family Members: Cost share—15% of the negotiated reimbursement rate.

II. Inpatient Services:

Standard CHAMPUS benefits, type of service	Beneficiary cost share, CC Extra
Hospitalization: Semiprivate room (and when medically necessary, special care units), general nursing, and hospital service. Includes inpatient physician and their surgical services, meals including special diets, drugs and medications while an inpatient, operating and recovery room, anesthesia, laboratory tests, x-rays and other radiology services, necessary medical supplies and appliances, blood and blood products. Unlimited services with authorization, as medically necessary. Maternity: Hospital and professional services (prenatal, postnatal). Unlimited services with authorization, as medically necessary. Skilled Nursing Facility Care: Semiprivate room, regular nursing services, meals including special diets, physical, occupational and speech therapy, drugs furnished by the facility, necessary medical supplies, and appliances. Unlimited services with authorization, as medically necessary.	Active Duty Family Members: None. Retirees and their Family Members and Survivors: $125 per day copayment (*See Note 1*) or 25% cost share of total charges (based on the negotiated reimbursement rate) for institutional services, whichever is less, plus 20% cost share of separately billed professional charges (based on the negotiated reimbursement rate).
Hospitalization for Mental Illness: With authorization, up to 30 days per fiscal year for adults (age 19+), up to 45 days per fiscal year for children under age 19.	Active Duty Family Members: None. Retirees and their Family Members and Survivors: $50 per day copayment or 25% cost share of total charges (based on the negotiated reimbursement rate), whichever is less, plus 20% cost share of separately billed professional charges (based on the negotiated reimbursement rate).
Alcoholism: (Inpatient, partial) With authorization, 7 days for detoxification and 21 days for rehabilitation per 365 days. Maximum of one rehabilitation program per year and three per lifetime. Detoxification and rehabilitation days count toward limit for mental health benefits.	

Note 1: The beneficiary copayments (i.e., beneficiary payments expressed as a specified amount) in this chart are effective for FY 1993, and will be updated each fiscal year by the national CPI–U medical index (the medical component of the Urban Consumer Price Index). Beneficiary cost shares (i.e., beneficiary payments expressed as a percentage of the provider's fee) and annual deductibles will not be similarly updated.

Dated: August 28, 1992.

L.M. Bynum,

Alternate OSD Federal Register, Liaison Officer, Department of Defense.

[FR Doc. 92–21114 Filed 9–1–92; 8:45 am]

BILLING CODE 3810–01–M

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

[Recommendation 92–6]

Operational Readiness Reviews

AGENCY: Defense Nuclear Facilities Safety Board.

ACTION: Notice; recommendation.

SUMMARY: The Defense Nuclear Facilities Safety Board (Board) has made a recommendation to the Secretary of Energy pursuant to 42 U.S.C. 2286a concerning Operational Readiness Reviews. The Board requests public comments on this recommendation.

DATES: Comments, data, views, or arguments concerning this recommendation are due on or before October 2, 1992.

ADDRESSES: Send comments, data, views or arguments concerning this recommendation to: Defense Nuclear Facilities Safety Board, 625 Indiana Avenue, NW., suite 700, Washington, DC 20004.

FOR FURTHER INFORMATION CONTACT: Kenneth M. Pusateri or Carole J. Council, at the address above or telephone (202) 208–6400.

Dated: August 27, 1992.

John T. Conway,

Chairman.

Operational Readiness Reviews

Dated: August 26, 1992.

Several of the Board's Recommendations to you have referred to Operational Readiness Reviews, and some have been specifically directed to such activities. In this way, the Board has shown that it holds these reviews, whether by the contractor or by DOE, in high regard as important measures in verifying readiness of new activities to be started safely or of previously conducted activities to be safely resumed after an appreciable hiatus.

The Board recognizes that the actual operation of defense nuclear facilities is accomplished through defense contractors. While first line responsibility for safe operation is in effect delegated through contract provisions, such delegation does not relieve DOE management of its responsibility for ensuring that the operation will be protective of public health and safety. It is the Board's firm conviction that adequate protection of the public health and safety must be achieved through sustained exercise of vigilance by line management of DOE and the contractor.

The Operational Readiness Reviews is a process undertaken after the intermediate level of line management has arrived at its conclusion that a state of readiness has been achieved for safe startup of the activity. It is a means whereby top management in the contractor and/or DOE can then arrive at the independently determined conclusion that this readiness exists. If the line organizations that have been delegated responsibility for preparing a facility for operation have performed effectively, findings of any shortfalls are expected to be few, and of such a character that they can be remedied in short order and on a scheduled basis prior to startup.

In this vein, the Board has recognized the laudable advance toward definition of ORR requirements made in SEN–16B–91, "Approval for Restart of Facilities Shut Down for Safety Reasons and for Startup of Major New Facilities", dated November 12, 1991, and the attached "Process for Secretary Approval of Nuclear Facility Restart or Startup". However, we believe that guidance could be improved by specifying the required features of a satisfactory ORR, and by stating specifically on what occasions an ORR will be required.

Some of the Boards Recommendations have also reflected recognition that conducting an Operational Readiness Review prematurely, before line management responsible for preparing a facility for operation has concluded on a sound basis that readiness has been achieved, has adverse effects on safety. Among these are:

(a) It masks possible lack of competence and other defects in contractor and/or DOE line management.

(b) It becomes a management tool for achieving readiness to proceed safely rather

than verifying it. In this way it becomes a crutch for line management.

(c) It postpones discovery of safety deficiencies which effective line management would have identified earlier.

(d) It encourages resort to actions which compensate for safety deficiencies, instead of correcting them.

(e) It vitiates the value of the Operational Readiness Review as a means of independent confirmation of readiness.

The board believes that among the features of an acceptable ORR are the following:

(a) The review team should not include, as senior members, individuals who are responsible for accomplishing the work being reviewed.

(b) When the contractor performs an ORR, it and the DOE's ORR should be carried out in serial fashion, and the latter should not begin until the contractor has informed DOE in writing that the facility is ready to commence operation.

(c) The criteria governing the review should include the scope of the review and the factors to be used by individual technical experts in judging satisfactory performance.

(d) The DOE review should include assessment of the technical and managerial qualifications of those in the DOE field organization who have been assigned responsibilities for direction and guidance to the contractor, including the Facility Representative. A similar review should be made of the qualifications of contractor personnel responsible for facility operations.

(e) The review team should be required to reach a conclusion as to whether the facility will be operated in conformance with applicable DOE orders, directives, and Secretary of Energy Notices; and that any nonconformances or Compliance Schedule Approvals have been justified in writing, have been formally approved, and in the opinion of the review team do not unduly diminish protection of the public health and safety, including worker safety.

The above being recognized, the Board recommends that:

(1) DOE expeditiously develop an effective set of rules, procedures, orders, directives, and other requirements to govern safety aspects of the Operational Readiness Review process, subject to the principle that the purpose of such a Review is confirmation of an acceptable state of readiness.

(2) DOE develop specific criteria for when Operational Readiness Reviews are required and when they are not.

(3) The plan for each ORR incorporate the features discussed above as desirable, as well as those that were recommended in the Board's Recommendation 90–4.

John T. Conway,

Chairman.

Appendix—Transmittal Letter to the Secretary of Energy

August 26, 1992.

The Honorable James D. Watkins,
Secretary of Energy, Washington, DC 20585.

Dear Mr. Secretary: On August 26, 1992, the Defense Nuclear Facilities Safety Board, in accordance with 42 U.S.C. 2286a(5), unanimously approved Recommendation 92–6 which is enclosed for your consideration. Recommendation 92–6 deals with Operational Readiness Reviews.

42 U.S.C. 2286d(a) requires the Board, after receipt by you, to promptly make this recommendation available to the public in the Department of Energy's regional public reading rooms. The Board believes the recommendation contains no information which is classified or otherwise restricted. To the extent this recommendation does not include information restricted by DOE under the Atomic Energy Act of 1954, 42 U.S.C. 2161–68, as amended, please arrange to have this recommendation promptly placed on file in your regional public reading rooms.

The Board will publish this recommendation in the Federal Register.

Sincerely,

John T. Conway,

Chairman.

[FR Doc. 92–21051 Filed 9–1–92; 8:45 am]

BILLING CODE 6820–KD–M

DEPARTMENT OF ENERGY

Noncompetitive Financial Assistance Award to the University of North Texas

AGENCY: Department of Energy (DOE).

ACTION: Notice of intent to make a noncompetitive financial assistance award.

SUMMARY: DOE announces that it plans to award a noncompetitive cooperative agreement to the University of North Texas for two years in the amount of $69,156. The scope of work includes the following: (1) To report on voluntary disclosures of finding costs by oil and gas firms, (2) to compile a finding costs bibliography, and (3) to determine statistically the significance of finding costs and other physical, financial, and accounting variables as predictors of survival and profitability of oil and gas firms. Pursuant to section 600.7(b)(2)(i) (B, C, and D) of the DOE Financial Assistance Rules, 10 CFR Part 600, DOE has determined that eligibility for this cooperative agreement shall be limited to the University of North Texas. Procurement Request number for this requirement is 01–92EI23624.000.

SUPPLEMENTARY INFORMATION: Finding costs are a key indicator of the efficiency of the oil and gas industry. They can also be an early warning device of potential changes in oil and gas production, which would make it possible to put in place policies to offset declining national energy security. However, finding costs are hard to measure and difficult to interpret because they are based on disparate corporate financial and reporting strategies. This study will assist in better understanding and interpreting finding costs data. The Institute of Petroleum Accounting at the University of North Texas is a world-renowned center of petroleum accounting expertise. There is no U.S. institution better equipped to understand and grasp the economic actions underlying the financial reporting of public corporations than the Institute. No other private or government entity possesses their level of expertise on the subject matter in question. Therefore, the DOE has determined that this award to the University of North Texas on a restricted eligibility basis is appropriate.

FOR FURTHER INFORMATION CONTACT: John Wells, PR–322.4, U.S. Department of Energy, Office of Placement and Administration, 1000 Independence Ave., SW., Washington, DC. 20585, (202) 634–4488.

Thomas S. Keefe,

Director, Division "B", Office of Placement and Administration.

[FR Doc. 92–21137 Filed 9–1–92; 8:45 am]

BILLING CODE 6450–01–M

Energy Information Administration

Agency Information Collections Under Review by the Office of Management and Budget

AGENCY: Energy Information Administration, DOE.

ACTION: Notice of requests submitted for review by the Office of Management and Budget.

SUMMARY: The Energy Information Administration (EIA) has submitted information collection(s) listed at the end of this notice to the Office of Management and Budget (OMB) for review under provisions of the Paperwork Reduction Act (Pub. L. 96–511, 44 U.S.C. 3501 et seq.). The listing does not include collections of information contained in new or revised regulations which are to be submitted under section 3504(h) of the Paperwork Reduction Act, nor management and procurement assistance requirements collected by the Department of Energy (DOE).

Each entry contains the following information: (1) The sponsor of the collection (the DOE component or Federal Energy Regulatory Commission (FERC)); (2) Collection number(s); (3) Current OMB docket number (if applicable); (4) Collection title; (5) Type of request, e.g., new, revision, extension, or reinstatement; (6) Frequency of collection; (7) Response obligation, i.e., mandatory, voluntary, or required to obtain or retain benefit; (8) Affected

public; (9) An estimate of the number of respondents per report period; (10) An estimate of the number of responses per respondent annually; (11) An estimate of the average hours per response; (12) The estimated total annual respondent burden; and (13) A brief abstract describing the proposed collection and the respondents.

DATES: Comments must be filed on or before October 2, 1992. If you anticipate that you will be submitting comments but find it difficult to do so within the time allowed by this notice, you should advise the OMB DOE Desk Officer listed below of your intention to do so, as soon as possible. The Desk Officer may be telephoned at (202) 395-3084. (Also, please notify the EIA contact listed below.)

ADDRESSES: Address comments to the Department of Energy Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, 726 Jackson Place NW., Washington, DC 20503. (Comments should also be addressed to the Office of Statistical Standards at the address below.)

FOR FURTHER INFORMATION AND COPIES OF RELEVANT MATERIALS CONTACT: Jay Casselberry, Office of Statistical Standards, (EI-73), Forrestal Building, U.S. Department of Energy, Washington, DC 20585. Mr. Casselberry may be telephoned at (202) 254-5348.

SUPPLEMENTARY INFORMATION: The energy information collection submitted to OMB for review was:

1. Federal Energy Regulatory Commission
2. FERC-577(A)
3. 1902-0161
4. Gas Pipeline Certificates: Environmental Impact Statements, Re Notice of Proposed Rulemaking in Docket No. RM92-13-000, Revisions to Regulations Governing Section 311 Construction and the Replacement of Facilities, issued August 3, 1992
5. Extension
6. On occasion
7. Mandatory
8. Business or other for-profit
9. 55 respondents
10. 4 responses
11. 4 hours per response
12. 880 hours
13. The Notice of Proposed Rulemaking in Docket No. RM92-13-000 requires natural gas pipelines to provide at least 30 days notice to the Commission prior to replacing certain facilities or the construction of facilities pursuant to section 311 of the Natural Gas Policy Act.

The second energy information collection submitted to OMB for review was:

1. Federal Energy Regulatory Commission
2. FERC-80
3. 1902-0106
4. Revision
5. Licensed Hydropower Development Recreation Report
6. Sexennial
7. Mandatory
8. Individuals or households, Farms, and Businesses or other for-profit
9. 1 respondent
10. 1 response
11. 1 hour per response
12. 1 hour
13. Part I, section 10a of the Federal Power Act requires that a licensee submit to the Commission for approval, plans, maps and specifications which will present a comprehensive plan for improving or developing a waterway for beneficial uses, including recreation.

Statutory Authority: Sec. 5(a), 5(b), 13(b), and 52, Pub. L. 93-275, Federal Energy Administration Act of 1974, 15 U.S.C. § 764(a), 764(b), 772(b), and 790a.

Issued in Washington, DC, August 19, 1992.

Yvonne M. Bishop,

Director, Statistical Standards, Energy Information Administration.

[FR Doc. 92-21139 Filed 9-1-92; 8:45 am]

BILLING CODE 6450-01-M

Forms EIA-457A-G, "Residential Energy Consumption Survey (RECS)"

AGENCY: Energy Information Administration, Department of Energy.

ACTION: Notice of the Proposed Revision, and Extension of the Forms EIA-457A-G, "Residential Energy Consumption Survey," and Solicitation of Comments.

SUMMARY: The Energy Information Administration (EIA), as part of its continuing effort to reduce paperwork and respondent burden (required by the Paperwork Reduction Act of 1980, Pub. L. No. 96-511, 44 U.S.C. 3501 *et seq.*), conducts a presurvey consultation program to provide the general public and other Federal agencies with an opportunity to comment on proposed and/or continuing reporting forms. This program helps to ensure that requested data can be provided in the desired format, reporting burden is minimized, reporting forms are clearly understood, and the impact of collection requirements on respondents can be properly assessed. Currently, EIA is soliciting comments concerning the proposed revision and extension to the Forms EIA-457A-G, "Residential Energy Consumption Survey (RECS)."

DATE: Written comments must be submitted by October 2, 1992. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below of your intention to do so as soon as possible.

ADDRESS: Send comments to Wendel Thompson, EI-631, Forrestal Building, U.S. Department of Energy, Washington, DC 20585, Telephone: 202-586-1119, Fax: 202-586-0018.

FOR FURTHER INFORMATION OR TO OBTAIN COPIES OF THE PROPOSED FORM AND INSTRUCTIONS: Requests for additional information or copies of the form and instructions should be directed to Wendel Thompson at the address listed above.

SUPPLEMENTARY INFORMATION:

I. Background

In order to fulfill its responsibilities under the Federal Energy Administration Act of 1974 (Pub. L. No. 93-275) and the Department of Energy Organization Act (Pub. L. No. 95-91), the Energy Information Administration is obliged to carry out a central, comprehensive, and unified energy data and information program which will collect, evaluate, assemble, analyze, and disseminate data and information related to energy resource reserves, production, demand, and technology, and related economic and statistical information relevant to the adequacy of energy resources to meet demands in the near and longer term future for the Nation's economic and social needs.

To meet this responsibility, as well as internal DOE requirements that are dependent on accurate data, the EIA has developed an ongoing program of national sample surveys on energy consumption in the manufacturing, commercial, residential and residential transportation sectors.

The RECS has been designed by EIA to collect data on energy consumption in the residential sector. Information about the housing unit is collected through voluntary personal interviews with a representative national sample of approximately 6,000 households. Through these personal interviews, data are collected on the energy sources used in the home, the usage of energy and the characteristics of energy-using equipment. Data are also collected on household demographics (income, size,

origin) and the housing unit's physical characteristics. Data on actual energy consumption and expenditures are obtained from energy billing records maintained by the household's energy suppliers through a mandatory mailed survey. The RECS has been conducted in 1980, 1981, 1982, 1984, and 1990. Beginning with the 1987 survey, the RECS has been conducted on a triennial schedule.

II. Current Actions

For the 1993 RECS, the EIA proposes several changes from the collection as conducted in 1990 and an extension of three years for the OMB approval.

The areas in which less information will be collected include: identification of farms, conservation activities during the last three years, characteristics of household members, heating-fuel switching capability, characteristics of the water heater, floorspace, and wood usage.

Areas in which additional information will be collected include appliance usage, passive, solar design, consumer decision making, demand-side management programs, lighting, cooking, home office activities, perception of electric bills, new technologies, and wood prices.

Form EIA–457A, the household interview part of the RECS, will be conducted using Computer-Assisted Personal Interviewing (CAPI). This technology involves replacing the paper and pencil procedure with a laptop computer. Using CAPI frees the interviewer from determining difficult branching operations, in the questionnaire, notes inconsistent answers which can be resolved in the presence of the respondent, and speeds data delivery.

The sampling for the 1993 RECS is being redesigned to reflect 1990 Decennial Census information and, even more than in the past, the importance of climate, a major driver of residential energy consumption.

III. Request for Comments

Prospective respondents and other interested parties should comment on the proposed extension and revisions. The following general guidelines are provided to assist in the preparation of responses. Please indicate to which form(s) your comments apply.

As a potential respondent:

A. Are the instructions and definitions clear and sufficient? If not, which instructions require clarification?

B. Can the data be submitted using the definitions included in the instructions?

C. Can data be submitted in accordance with the response time specified in the instructions?

D. Public reporting burden for this collection is estimated to average 1 hour per household for Form EIA–457A, 20 minutes per household for Form EIA–457B, 15 minutes per response for Form EIA–457C, 30 minutes per form for Form EIA–457D, 30 minutes per form for Form EIA–457E, 30 minutes per form for Form EIA–457F, and 30 minutes per form for Form EIA–457G. Form EIA–457A is completed during a personal interview with the household, Form EIA–457B is mailed to households not having a personal interview, Form EIA–457C is answered by rental agents during a telephone interview, and Forms EIA–457D through G are completed by the energy suppliers (electric and natural gas utilities, fuel oil, kerosene and propane suppliers) on mailed survey forms.

As a potential recipient of a form, how much time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information, do you estimate it will require for you to provide the required information?

E. What is the estimated cost of completing this form, including the direct and indirect costs associated with the data collection? Direct costs should include all costs, such as administrative costs, directly attributable to providing this information.

F. How can form be improved?

G. Do you know of any other Federal, State, or local agency that collects similar data? If you do, specify the agency, the data element(s), and the means of collection.

As a potential user:

A. Can you use data at the levels of detail indicated on the form?

B. For what purpose would you use the data? Be specific.

C. How could the form be improved to better meet your specific needs?

D. Are there alternate sources of data and do you use them? What are their deficiencies and/or strengths?

E. Would you prefer to see some data published in metric unit measurements? If so, which data elements?

EIA is also interested in receiving comments from persons regarding their views on the need for the information contained in the Residential Energy Consumption Survey.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of the form; they also will become a matter of public record.

Statutory Authority: Sec. 5(a), 5(b), 13(b), and 52, Pub. L. No. 93–275, Federal Energy Administration Act of 1974, 15 U.S.C. 764(a), 764(b), and 790a.

Issued in Washington, DC August 19, 1992.

Yvonne M. Bishop,

Director, Statistical Standards, Energy Information Administration.

[FR Doc. 92–21140 Filed 9–1–92; 8:45 am]

BILLING CODE 6450–01–M

Office of Fossil Energy

[FE Docket No. 92–80–NG]

EMC Gas Transportation Co.; Order Granting Blanket Authorization To Import Natural Gas From Canada

AGENCY: Office of Fossil Energy, DOE.

ACTION: Notice of order.

SUMMARY: The Office of Fossil Energy of the Department of Energy gives notice that it has issued an order granting EMC Gas Transmission Company blanket authorization to import up to 30 Bcf of natural gas from Canada over a two-year term, beginning on the date of first delivery.

A copy of this order is available for inspection and copying in the Office of Fuels Programs Docket Room, 3F–056, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586–9478. The docket room is open between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, DC, August 25, 1992.

Charles F. Vacek,

Deputy Assistant Secretary for Fuels Programs, Office of Fossil Energy.

[FR Doc. 92–21138 Filed 9–1–92; 8:45 am]

BILLING CODE 6450–01–M

Federal Energy Regulatory Commission

[Docket Nos. RP91–41–000, et al.]

Columbia Gas Transmission Corp.; Filing

August 26, 1992.

On August 20, 1992, Columbia Gas Transmission Corporation (Columbia) filed a letter regarding its current payment and billing practices in light of a July 6, 1992 order of the United States District Court for the District of Delaware concerning Columbia's motion for permission to continue operations under FERC orders and regulations while its petition for reorganization under Chapter 11 of the Bankruptcy Code is pending before the bankruptcy court.

In its August 20 letter, Columbia states that, to the extent its upstream pipeline suppliers have allocated Order Nos. 500/528 take-or-pay costs to Columbia based upon entitlements or usage prior to its bankruptcy filing on July 31, 1991, it is suspending the remaining payments to its pipeline suppliers for all such charges. Columbia also stated that it is suspending billing adjustments relating to the reallocation of Order No. 500 costs among its customers in its own Order No. 528 flowthrough filings.

Columbia states it does not think any Commission waivers are necessary to implement such suspensions, but to the extent the Commission deems otherwise, it requests any necessary waivers to effectuate the suspensions of payments and billing adjustments under the relevant Commission orders.

Any person desiring to respond to or comment on Columbia's letter or alternative motion for waiver should file its response or comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington DC 20426, within 15 days after the motion was filed, or on or before September 4, 1992.

Lois D. Cashell,

Secretary.

[FR Doc. 92-21067 Filed 9-1-92; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP92-222-000]

Northern Border Pipeline Co.; Proposed Changes in FERC Gas Tariff

August 26, 1992.

Take notice that on August 24, 1992, Northern Border Pipeline Company (Northern Border) submits for filing as part of its FERC Gas Tariff, Original Volume No. 1, the following tariff sheets with a proposed effective date of October 1, 1992:

Sixth Revised Sheet No. 156
Fourth Revised Sheet No. 160
Second Revised Sheet No. 160A
Fifth Revised Sheet No. 161
Third Revised Sheet No. 201
Fourth Revised Sheet No. 205
Fourth Revised Sheet No. 209
First Revised Sheet No. 212
First Revised Sheet No. 216
Third Revised Sheet No. 256
Third Revised Sheet No. 257
Third Revised Sheet No. 422
Third Revised Sheet No. 423
Second Revised Sheet No. 427
First Revised Sheet No. 428

Northern Border states that the primary goals of this filing are to (1) establish an all points contract concept for our interruptible shippers and (2) establish in-line transfer points on our system to facilitate the transfer of volumes from one transportation agreement to another.

Northern Border states that it is proposing to implement an all points, or master receipt and delivery point, contract concept to greatly ease the administrative burden of amending service agreements every time a new receipt or delivery point is added. Under this concept every current interruptible service agreement will be amended such that all receipt and delivery points are available to all interruptible shippers.

Northern Border states that copies of the filing have been sent to all of Northern Border's contracted shippers.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with 18 CFR 385.214 and 385.211 of the Commission's Rules and Regulations. All such motions or protests should be filed on or before September 2, 1992. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the public reference room.

Lois D. Cashell,

Secretary.

[FR Doc. 92-21069 Filed 9-1-92; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TM92-16-29-000]

Transcontinental Gas Pipe Line Corp.; Proposed Changes in FERC Gas Tariff

August 26, 1992.

Take notice that Transcontinental Gas Pipe Line Corporation (Transco) tendered for filing on August 24, 1992 certain revised tariff sheets to Third Revised Volume No. 1 of its FERC Gas Tariff included in appendix A attached to the filing.

Transco states that the purpose of the filing is to track rate changes attributable to (1) storage services purchased from Consolidated Natural Gas (CNG) under its Rate Schedule GSS the costs of which are included in the rates and charges payable under Transco's Rate Schedule LSS, (2) transportation services purchased from National Fuel Gas Supply (National Fuel) under its Rate Schedule X-42 the costs of which are included in the rates and charges payable under Transco's Rate Schedule LSS, (3) transportation services purchased from National Fuel under its Rate Schedule X-54 the costs of which are included in the rates and charges payable under Transco's Rate Schedule SS-2, (4) transportation services purchased from National Fuel under its Rate Schedule X-58 the costs of which are included in the rates and charges payable under Transco's Niagara Import Point Project—System Expansion (NIPPs-SE) firm transportation services, and (5) storage services purchased from Texas Eastern Transmission Corporation (TETCO) under its Rate Schedule X-28 the costs of which are included in the rates and charges payable under Transco's Rate Schedule S-2.

Included in Appendices B through E attached to the filing are explanations and detailed computations regarding the proposed tracking changes under the LSS, SS-2, NIPPs-SE, and S-2 rate schedules.

Transco states that copies of the filing are being mailed to each of its LSS, SS-2, NIPPs-SE and S-2 customers and interested State Commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with 18 CFR 385.214, 385.211 of the Commission's Rules and Regulations. All such motions or protests should be filed on or before September 2, 1992. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 92-21068 Filed 9-1-92; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP92-196-000]

Transwestern Pipeline Co.; Technical Conference

August 26, 1992.

In the Commission's order issued on July 31, 1992, in the above-captioned

proceeding, the Commission held that the filing raises issues for which a technical conference is to be convened. The conference to address the issues has been scheduled for Friday, September 11, 1992, at 10 a.m. in a room to be designated at the offices of the Federal Energy Regulatory Commission, 810 First Street NE., Washington, DC 20426.

All interested persons and Staff are permitted to attend.

Lois D. Cashell,

Secretary.

[FR Doc. 92-21070 Filed 9-1-92; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TM93-1-76-000]

Wyoming Interstate Co. Ltd.; Filing

August 26, 1992.

Take note that on August 19, 1992, Wyoming Interstate Company, Ltd. (WIC) submitted for filing Fourteenth Revised Sheet No. 5 in FERC Gas Tariff, Original Volume No. 1, and First Revised Sheet No. 4 and Second Revised Sheet No. 5 in FERC Gas Tariff First Revised Volume No. 2. The sheets reflect a decrease of $0.0001 per Mcf in the ACA adjustment charge, resulting in a new ACA rate of $0.0023 per Mcf based on WIC's 1992 ACA billing.

WIC requested that the new 0.23 cent per Mcf ACA charge be effective October 1, 1992.

WIC notes that copies of WIC's filing are being served on all jurisdictional customers.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20246, in accordance with Rules 214 or 211 of the Commission's Rules of Practice and Procedure (18 CFR Sections 385.214 and 385.211). All such motions or protests should be filed on or before September 2, 1992. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 92-21066 Filed 9-1-92; 8:45 am]

BILLING CODE 6717-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OPP-30342; FRL-4081-5]

Buckman Laboratories; Application to Register a Pesticide Product

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces receipt of an application to register the pesticide product Busan 1104, containing an active ingredient not included in any previously registered products pursuant to the provisions of section 3(c)(4) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended.

DATES: Written comments must be submitted by October 2, 1992.

ADDRESSES: By mail submit comments identified by the document control number [OPP-30342] and the file symbol (1448-GLR) to: Public Response and Program Resources Branch, Field Operations Division (H7506C), Attention PM 31, Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, bring comments to: Rm. 1128, Attention PM 31, Registration Division (H7505C), Environmental Protection Agency, CM #2, 1921 Jefferson Davis Highway, Arlington, VA.

Information submitted in any comment concerning this notice may be claimed confidential by marking any part or all of that information as "Confidential Business Information" (CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the comment that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice to the submitter. All written comments will be available for public inspection in Rm. 1128 at the address given above, from 8 a.m. to 4 p.m., Monday through Friday, except legal holidays.

FOR FURTHER INFORMATION CONTACT: PM 31, John Lee, Rm. 258, CM #2, (703-305-5675).

SUPPLEMENTARY INFORMATION: EPA received an application from Buckman Laboratories, 1256 North McLean Blvd., Memphis, TN 38108, to register the pesticide product Busan 1104 (File Symbol 1448-GLR), a microbicide containing the active ingredient 1*H*-pyrazole-1-methane 1,3,5-dimethyl at 93 percent; an ingredient not included in any previously registered product pursuant to the provisions of section 3(c)(4) of FIFRA. The product was classified for general use in emulsion paints, adhesives, latex, polish, waxes, paper inking chemicals, detergents, textiles, and construction materials. Notice of receipt of the application does not imply a decision by the Agency on the application.

Notice of approval or denial of an application to register a pesticide product will be announced in the **Federal Register**. The procedure for requesting data will be given in the **Federal Register** if an application is approved.

Comments received within the specified time period will be considered before a final decision is made; comments received after the time specified will be considered only to the extent possible without delaying processing of the application.

Written comments filed pursuant to this notice, will be available in the Public Response and Program Resources Branch, Field Operations Division (FOD) office at the address provided from 8 a.m. to 4 p.m., Monday through Friday, except legal holidays. It is suggested that persons interested in reviewing the application file, telephone the FOD office (703-305-5805), to ensure that the file is available on the date of intended visit.

Authority: 7 U.S.C. 136.

Dated: August 4, 1992.

Anne E. Lindsay,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 92-20898 Filed 9-1-92; 8:45 am]

BILLING CODE 6560-50-F

[OPP-30340; FRL-4077-4]

Tifton Innovation Corp. and AKZO Chemicals, Inc.; Application to Register Pesticide Products

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces receipt of applications to register pesticide products containing active ingredients not included in any previously registered products pursuant to the provisions of section 3(c)(4) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended.

DATES: Written comments must be submitted by October 2, 1992.

ADDRESSES: By mail submit comments identified by the document control number [OPP-30340] and the registration/file number to: Public

Response and Program Resources Branch, Field Operations Division (H7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, bring comments to: Rm. 1132, CM #2, 1921 Jefferson Davis Highway, Arlington, VA.

Information submitted in any comment concerning this notice may be claimed confidential by marking any part or all of that information as "Confidential Business Information" (CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the comment that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice to the submitter. All written comments will be available for public inspection in Rm. 1132 at the address given above, from 8 a.m. to 4 p.m., Monday through Friday, except legal holidays.

FOR FURTHER INFORMATION CONTACT: By mail: Registration Division (H7505C), Attn: (Product Manager (PM) named in each registration), Office of Pesticide Programs, 401 M St., SW., Washington, DC 20460.

In person: Contact the PM named in each registration at the following office location/telephone number:

Product Manager	Office location/ telephone number	Address
PM 21 Susan Lewis	Rm. 223, CM #2, (703) 305-6900	Environmental Protection Agency, 1921 Jefferson Davis Highway, Arlington, VA.
PM 22 Cynthia Giles-Parker	Rm. 229, CM #2, (703) 305-5540	-Do-

SUPPLEMENTARY INFORMATION: EPA received applications as follows to register pesticide products containing active ingredients not included in any previously registered products pursuant to the provisions of section 3(c)(4) of FIFRA. Notice of receipt of these applications does not imply a decision by the Agency on the applications.

Products Containing Active Ingredients Not Included In Any Previously Registered Products

1. File Symbol: 65263-R. Applicant: Tifton Innovation Corp., 1009 N. Central Avenue, Tifton, GA. 31794. Product name: DR. BIOSEDGE®. Active ingredient: *Puccinia canaliculata* spores, ATCC #40199 95%; inert ingredients: 5%. Proposed classification/use: None. For use in the control of Yellow Nutsedge. (PM-21)

2. File Symbol: 34688-AO. Applicant: AKZO Chemicals, Inc., 300 South Riverside Plaza, Chicago, Il. 60606. Product name: SINESTO B. Active ingredient: Alkyl trimethylammonium chloride 12%; inert ingredients 88%. Proposed classification/use: None. For use on fresh cut lumber to control sap stains. (PM-22)

Notice of approval or denial of an application to register a pesticide product will be announced in the **Federal Register**. The procedure for requesting data will be given in the **Federal Register** if an application is approved.

Comments received within the specified time period will be considered before a final decision is made; comments received after the time specified will be considered only to the extent possible without delaying processing of the application.

Written comments filed pursuant to this notice, will be available in the Public Response and Program Resources Branch, Field Operations Division (FOD) office at the address provided from 8 a.m. to 4 p.m., Monday through Friday, except legal holidays. It is suggested that persons interested in reviewing the application file, telephone the FOD office (703-305-5805), to ensure that the file is available on the date of intended visit.

Authority: 7 U.S.C. 136.

Dated: August 4, 1992.

Anne E. Lindsay,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 92-21030 Filed 9-1-92; 8:45 am]

BILLING CODE 6560-50-F

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA-956-DR]

Louisiana; Amendment to a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of Louisiana (FEMA-956-DR), dated August 26, 1992, and related determinations.

EFFECTIVE DATE: August 26, 1992.

FOR FURTHER INFORMATION CONTACT: Pauline C. Campbell, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, DC 20472, (202) 646-3606.

SUPPLEMENTARY INFORMATION: The notice of a major disaster for the State of Louisiana, dated August 26, 1992, is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of August 26, 1992.

The parishes of Lafourche, St. Martin, Assumption, Iberia, St. John the Baptist, Iberville, and St. Mary for Individual Assistance and Public Assistance.

(Catalog of Federal Domestic Assistance, No. 83.516, Disaster Assistance.)

Grant C. Peterson,

Associate Director, State and Local Programs and Support.

[FR Doc. 92-21106 Filed 9-1-92; 8:45 am]

BILLING CODE 6718-02-M

[FEMA-956-DR]

Louisiana; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

EFFECTIVE DATE: August 26, 1992.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of Louisiana (FEMA-956-DR), dated August 26, 1992, and related determinations.

FOR FURTHER INFORMATION CONTACT: Pauline C. Campbell, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, DC 20472, (202) 646-3606.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated August 26, 1992, the President declared a major disaster under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 *et seq.*), as follows:

I have determined that the damage in certain areas of the State of Louisiana, resulting from Hurricane Andrew on August 25, 1992, and continuing is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act ("the Stafford Act"). I, therefore, declare that such a major disaster exists in the State of Louisiana.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes, such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Individual Assistance and Public Assistance in the designated areas. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Public Assistance will be limited to 75 percent of the total eligible costs, except that for the first 10 days, you are authorized to provide funds for debris removal and emergency protective measures under section 403(a) at 90 percent of the total eligible costs, if warranted.

The time period prescribed for the implementation of section 310(a), Priority to Certain Applications for Public Facility and Public Housing Assistance, 42 U.S.C. 5153, shall be for a period not to exceed six months after the date of this declaration.

Notice is hereby given that pursuant to the authority vested in the Director of the Federal Emergency Management Agency under Executive Order 12148, I hereby appoint Brad Harris of the Federal Emergency Management Agency to act as the Federal Coordinating Officer for this declared disaster.

I do hereby determine the following areas of the State of Louisiana to have been affected adversely by this declared major disaster:

Terrebone Parish for Individual Assistance and Public Assistance.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance)

Wallance E. Stickney,

Director.

[FR Doc. 92-21107 Filed 9-1-92; 8:45 am]

BILLING CODE 6718-02-M

FEDERAL MARITIME COMMISSION

U.S. Atlantic & Gulf Ports Eastern; Agreement(s) Filed

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, DC Office of the Federal Maritime Commission, 800 North Capitol Street, NW., 9th floor. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days after the date of the Federal Register in which this notice appears. The requirements for comments are found in § 572.603 of title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Agreement No.: 202-009548-045.

Title: U.S. Atlantic & Gulf Ports Eastern Mediterranean North African Freight Conference.

Parties:

Farrell Lines, Inc.
Levant Line, S.A.
Lykes Bros. Steamship Co., Inc.
Waterman Steamship Corporation

Synopsis: The proposed amendment prohibits Agreement members from entering into individual loyalty contracts. It also permits the parties to agree on time-volume rates.

Agreement No.: 224-200693.

Title: Maryland/Sea-Land Terminal Agreement.

Parties:

Maryland Port Administration ("Port")
Sea-Land Service, Inc. ("Sea-Land")

Synopsis: The Agreement provides that Sea-Land will lease 15 acres at the Port's Seagirt Marine Terminal for a period of one year.

Agreement No.: 224-200694

Title: APL/Sea-Land/Guam Terminal Agreement.

Parties:

American President Lines, Ltd. ("APL")
Sea-Land Service, Inc. ("Sea-Land")
Port Authority of Guam ("Port")

Synopsis: The Agreement provides for the transportation of a container crane owned by Sea-Land and APL to Guam and for its installation at and possible future sale to the Port as well as for the sharing of any third party avenues generated prior to the completion of the sale of the crane to the Port.

Dated: August 27, 1992.

By Order of the Federal Maritime Commission.

Joseph C. Polking,

Secretary.

[FR Doc. 92-21052 Filed 9-1-92; 8:45 am]

BILLING CODE 6730-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

[Program Announcement No. OCS-92-8-1]

Request for Applications Under the Office of Community Services' FY 1992 Homeless Families Support Services Demonstration Program

AGENCY: Office of Community Services, ACF, DHHS.

ACTION: Extension of due date for delivery of applications for the FY 1992 Demonstration Program cited above.

SUMMARY: This notice amends program announcement number OCS-92-8 published in the **Federal Register** on July 30, by extending the due date for delivery of applications to September 3, 1992.

FOR FURTHER INFORMATION CONTACT: Sheldon Shalit, Office of Community Services, (202) 401-4807.

SUPPLEMENTARY INFORMATION: On July 30, 1992, the Office of Community Services (OCS) published an announcement in the **Federal Register** on the availability of FY 1992 funds and requested applications for the Homeless Families Support Services Demonstration Program (FR Doc. 92-17810).

The purpose of the program is to test integrated approaches to reducing homelessness among families with children.

Because of the recent damages and disruptions caused by Hurricane Andrew, we are allowing all prospective applicants more time to submit applications for funding under this announcement. We are extending the due date for delivery and receipt of applications from August 31, 1992 to September 3, 1992. Delivered applications must be received by 5 p.m., Thursday, September 3, 1992 at the following address: U.S. Department of Health and Human Services, Administration for Children and Families, Division of Discretionary Grants, 6th Floor OFM/DDG, 370 L'Enfant Promenade SW., Washington, DC 20447. Information previously published regarding applications submitted using a postmark date of August 31, 1992 remains the same.

Dated: August 27, 1992.

Eunice S. Thomas,

Director, Office of Community Services.

[FR Doc. 92-21050 Filed 9-1-92; 8:45 am]

BILLING CODE 4130-01-M

Health Care Financing Administration

Statement of Organization, Functions, and Delegations of Authority

Program and Organizational Emphasis and Medicare Contracting and Procurement

Part F of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health and Human Services, Health Care Financing Administration (HCFA), is amended to indicate a reorganization within the Bureau of Program Operations (BPO) in the Office of the Associate

Administrator for Operations. The reorganization changes the organization, functions, and administrative codes respectively. The overall functional statement for the Bureau will not be affected; however, BPO's administrative code must be changed to reflect the realignment of several major Bureau components. BPO's new administrative code is FPB. The organizational changes will realign existing functions within the Bureau to reflect the current program and organizational emphasis in quality control, contractor reform, Medigap, etc. Also, the Medicare contracting and procurement functions are being separated from the Medicare program activities. BPO's functional statements are being published to facilitate the amendment to part F of the Department statement.

The specific amendments to part F are described below:

• Section FP.20.A.1. through FP.20.A.4., for the Bureau of Program Operations (BPO) is deleted in its entirety and replaced by new functional statements for all of the subordinate components to reflect the current alignment of functions. The BPO functional statement is not changed by this reorganization.

The new Section FP.20.A.1. reads as follows:

1. Office of Contracting and Financial Management (FPB1)

• Administers contracts with private organizations to perform various aspects of Medicare program operations falling under the Bureau's area of responsibility.

• Develops, negotiates, maintains, and modifies primary contracts and agreements with intermediaries, carrier, and other organizations authorized under Title XVIII of the Social Security Act.

• Provides direction and guidance to Central Office and Regional Office staff on Medicare intermediary and carrier contracts and contracting activities under the Bureau's area of responsibility.

• Establishes policies and procedures to be used by all Medicare intermediary and carrier contractors in the procurement of equipment, facilities management, software, and other services.

• Establishes the policies and procedure by which Medicare intermediary and carrier contractors and regional offices prepare and submit periodic budget estimates.

• In consultation with other HCFA and Bureau components, develops and negotiates the national budget for Medicare contractors, including workload estimates.

• Controls and manages the Medicare cash flow and related banking activities.

• Reviews periodic contractor expenditure reports to evaluate Medicare intermediary and carrier budget execution and determines the allowability of costs.

• Prepares analysis of Medicare intermediary and carrier expenditure trends and patterns.

• Reviews regional office and contractor performance in determining the correct amount of provider, physician, and supplier overpayments, and assists contractors in negotiations related to the acceptability of techniques for determining the amount of an overpayment and the methods of recovery.

• Prepares cases when compromises are not appropriate and overpayments are collectible and assists the HCFA Claims Collection Officer in preparing such cases for disposition.

• Prepares manual instructions concerning the procedures for the recovery of provider, physician, and supplier overpayments.

• Designs, implements, and maintains a Medicare overpayment tracking system.

• Plans, directs, and coordinates operational policy and procedures for the establishment and maintenance of premium billing and collection.

• Develops plans for possible transitions between new and current contractors, and manages transition activities in coordination with the regional offices.

• Plans, develops, and directs Medicare intermediary and carrier operating contracting experiments.

a. Division of Acquisitions and Contracts (FPB11)

• Develops, maintains, negotiates, and modifies all agreements with intermediaries, and contracts with carriers as authorized under Title XVIII of the Social Security Act.

• Develops procedures for the award, non-renewal, termination, extension, and amendment of Medicare contracts.

• Represents the Bureau in processing contractor claims resulting from changes in contract requirements or other disputes involving the selection or nonelection of contractors.

• Directs contract-related surveys requested by both the Executive and Legislative Branches of the Federal Government.

• Directs and guides Central Office and Regional Office staff on contracts and contract procurement and maintains an oversight role on regional activity in the areas of Title XVIII contracting.

• Coordinates Fiscal Intermediary Group and Carrier Representative Group activities.

• Serves as a HCFA resource in regard to technical Medicare contracting issues concerning matters.

• Reviews the Bureau's contractors' requests for change orders and adjustments in price, determines where liquidated damages should be assessed against contractor and takes proper action.

• Develops and directs policy regarding regional intermediary concept such as for Home Health Agencies.

• Develops necessary regulations and other issuances dealing with Medicare contract administration.

• Provides liaison with contractor management.

• Provides leadership in litigation activities related to contract disputes.

b. Division of Financial Management (FPB12)

• Provides leadership in developing, implementing, and evaluating policies and procedures for the Medicare contractor budget process.

• Formulates and approves the national budget for Medicare contractor administrative costs.

• Develops, implements, and monitors cash management letter-of-credit procedures for contractors and servicing banks.

• Develops, implements, and monitors fund control for the Medicare contractor administrative costs.

• Sets requirements and procedures for contractors and regional offices to prepare and submit periodic budget estimates and reports.

• Participates in negotiations and approval of all related price adjustments and reviews periodic contractor expenditure reports to evaluate budget execution and determination of the allowability of costs.

• Designs, maintains, and as necessary, prepares specifications to revise the Medicare financial administration and benefit payment systems.

• Analyzes contractor administrative cost data and trends.

• Directs and prepares instructions to guide regional office performance to assure consistency in implementation of financial policy.

c. Division of Contractor Planning and Management (FPB13)

• Plans, develops, and directs contracting experiments that involve HCFA contractors, agencies, and

separate contracts with commercial organizations.

• Develops plans for possible transitions between new and current contractors and provides oversight of these transition activities in coordination with the regional offices.

• Assists, manages, monitors, and provides oversight of contractor transition activities in coordination with the regional offices, and carries out plans for transition between new and old contractors.

• Evaluates implementation proposals associated with Medicare electronic data processing (EDP) facility management procurement, software acquisitions, and major systems changes and testing.

• Provides technical assistance to regional offices with respect to Medicare EDP procurement and reviews, proposed hardware and software modifications, and equipment upgrades.

• Incorporates current procurement and operating policy as well as lessons learned from prior transitions into the implementation sections of Request for Proposals and subsequent transitions.

• Evaluates Medicare claims processing contracting arrangements, formulates plans for improvement, and carries out these improvement plans.

d. Division of Account Management and Collection (FPB14)

• Directs the nationwide administration of the institutional and physician and supplier recovery activity.

• Develops regulations, policies, procedures, guidelines, and recommendations for regional offices and HCFA contractors to assure timely and accurate provider overpayment identification, interest assessment, collection, and reduction of incidence of overpayment.

• Assures that the accounting practices, recovery procedures, and collection activities of regional offices and contractors properly and sufficiently implement the providers overpayment recovery policies, procedures, and regulations of HCFA, the Department of Health and Human Services, the General Accounting Office, the Department of Justice, and all applicable Federal statutes.

• Plans, develops, and issues operational policy, specifications, requirements, procedures, and instructional material to administer Third Party agreements for enrollment and premium payments for States, Office of Personnel Management (OPM), third party groups, professional organizations, carriers and intermediaries, and Social Security Administration components, the Medicare Lock-Box premium collection for Medicare beneficiaries, and the direct billed beneficiaries.

• Assists in the negotiation and modification of agreements for third party and direct billing premium collection operations. Manages lock-box contracts for collection of State buy-in and third party group premiums, and for collection of direct billed beneficiary premiums.

• Resolves premium collection problems for States, OPM, third party groups and beneficiaries.

• Develops procedures and provides training and assistance to regional offices for the review and evaluation of the institutional provider, physician, supplier, and beneficiary overpayment recovery, and third party systems.

• Serves as Agency systems manager for premium collection requirements.

2. Office of Medicare Benefits Administration (FPB2)

• Oversees the operations and administration of various Medicare program areas including Medigap, Medicare Secondary Payer (MSP), audit and payment management, benefit integrity, entitlement, medical review, and utilization analysis.

• Develops, implements and administers MSP and Medigap operational policy. Analyzes and evaluate specific operating policy and procedures in the MSP and Medigap programs and initiates proposals to better achieve program objectives.

• Reviews, analyzes, and prepares recommendations regarding approval or disapproval of State regulatory programs for Medicare supplemental health insurance to ensure compliance with the Social Security Act. Conducts the Mandatory Certification Program in those States not having an approved regulatory program.

• Develops, implements, and monitors the Medicare SELECT direct contracting option for medical necessity determinations.

• Reviews State regulatory programs for Medicare supplemental insurance and Medicare supplemental health insurance policies for compliance with the Social Security Act.

• Develops national MSP budget and annual savings goals, enforces MSP provisions and supports MSP litigation and post pay activities.

• Plans and develops methods to improve and enhance the audit and payment management functions and makes recommendations for improvements in the management of the audit program. Analyzes regulations, executive orders, policies, and legislative proposals and assesses their financial impact on the audit budget.

• Develops, implements, and maintains programs and systems to ensure that Medicare benefits are paid within the meaning of applicable law, regulations, and program polity and to ensure that internal or external allegations of fraudulent or abusive behavior are promptly acknowledged, developed, and disposed of including referral to the Office of Inspector General.

• Directs the development and issuance of specifications, requirements, procedures, forms, and instructional material to implement and maintain operational systems for part A and part B medical review and utilization analysis.

• Develops the national budget for intermediary and carrier medical review activities, linking programmatic expectations with funding requirements and available resources.

• Implements new legislation impacting on the medical review processes and/or Medicare covered services.

• Serves as the Agency systems manager for entitlement requirements.

a. Division of Utilization Analysis (FPB21)

• Directs the development of analytical studies, tools, and methodologies, for assessing health care utilization, beneficiary episodes of care, quality of care, patterns, and trends to improve the effectiveness of the medical review program.

• Directs the development and issuance of specifications, requirements, procedures, forms, and instructional material to implement and maintain operational systems for part A and part B medical review and utilization analysis.

• Designs edits and specifications for contractor medical review screens, systems and reports, including nationally mandated screens and reports, and conducts ongoing analysis of the effectiveness of national requirements.

• Utilizes the National Claims History Database to analyze and compare utilization patterns and to assess national trends in the provision of care to the Medicare population.

• Develops the national budget for intermediary and carrier medical review activities linking programmatic expectations with funding requirements.

• Reviews proposed policy, payment, and legislative proposals to evaluate the operational impact on the Medical Review and Utilization Review (MR/

UR) program. Implements new legislation affecting MR/UR and develops program safeguards for new and revised procedures.

• Provides contractors with analytical techniques for analysis of provider specific data, development of cost effective review methodologies, and clarification of Medicare policies. Monitors development and use of contractor MR/UR policies and implementation of MR directives and provides training and technical support to contractors.

• Directs contractor workgroups to develop, enhance, and maintain the most effective MR/UR program.

• Assists with the development of contractor performance standards to assess the effectiveness of the contractor's MR/UR program.

• Provides technical support and assistance to the Bureau, other HCFA and non-HCFA components on contractor MR/UR programs.

• Serves as laison with representatives of the health care industry on MR/UR issues to obtain expert input into policy development, to promote understanding of the MR/UR program, and to ensure that HCFA's MR/UR processes are compatible with health practices.

b. Division of Entitlement and Benefit Coordination (FPB22)

• Develops, implements, and administers Medicare Secondary Payer (MSP) operational policy for coordinating Medicare benefits with other health insurance benefits. Analyzes and evaluates specific operating policy and procedural problems in the benefit coordination program and initiates proposals to better achieve program objectives.

• Plans and directs operational liaison and outreach activities, including public relations, publications, conferences, and presentations.

• Develops national MSP budget and annual performance objectives and priorities. Analyzes contractors' MSP expenditures and goal performance.

• Participates in the design, performance, and analysis of evaluations of contractor MSP performance assessment.

• Enforces MSP provisions and support MSP litigation and post pay activities.

• Monitors Regional Office and contractor operations on negotiation, waiver, and compromise of liability settlements where Medicare has a claim for recovery of prior conditional payments.

• Designs and conducts special projects to improve national coordination of Medicare benefits with other health coverage.

• Develops and monitors the ongoing operations of a data match of the Internal Revenue Service and Social Security Administration data to identify MSP cases. Coordinates MSP operations with HCFA and non-HCFA governmental components and with other payers and their representative organizations, particularly State insurance departments and the National Association of Insurance Commissioners and like organizations.

• Develops operational policy and instructional material for the establishment and maintenance of Medicare entitlement.

• Conducts studies and demonstrations to improve the systems, methods and procedures for establishing and maintaining entitlement information. Develops and recommends entitlement related legislative and policy proposals.

• Develops procedures for issuing and reissuing health insurance cards, monitoring records maintenance and correction, and processing voluntary and other identification problems from the Medicare claims process.

• Serves as Agency systems manager for entitlement requirements.

c. Division of Audit and Payment Management (FPB23)

• Analyzes regulations, executive orders, policies, and legislative proposals and asseses their financial impact on the audit budget. Develops the plan, necessary audit programs, guidelines, and instructions for the implementation of current and future legislation, regulations, and court orders.

• Plans and develops methods to improve and enhance the audit function and makes recommendations for improvements in management of the audit program, including the identification and implementation of automated data processing programs in the desk review, audit, and settlement activities.

• Develops rationale for the audit and payment management portion of the current and future national contractor budgets. Establishes and monitors return ratio requirements for provider audits to assure maximum return on investment expenditures.

• Reviews and analyzes Contractor Auditing and Settlement Reports to determine the effectivess of contractor audit and payment performance and compliance with established audit guidelines, priorities, funding limitations, and workload objectives.

• Researches and responds to all Office of Inspector General and General Accounting Office payment and financial audit reports and studies. Prepares position papers and reports offering alternative methods of resolution.

d. Division of Medigap Operations (FPB24)

• Develops, implements, and administers Medigap operational policy.

• Analyzes State laws and regulations for Medicare supplemental health insurance to ensure compliance with the Social Security Act. Proposes recommendations regarding approval/disapproval with appropriate HCFA official.

• Conducts the Mandatory Certification Program in those States not having an approved regulatory program. Reviews and analyzes Medicare supplemental health insurance policies for compliance with the Social Security Act and recommends that certification be granted or denied.

• Develops, implements, and monitors the Medicare SELECT direct contracting option for medical necessity determinations.

• Conducts periodic operational reviews of State regulatory programs for continued operational compliance with the Social Security Act. Monitors States' application and enforcement of standards; i.e., simplification standards, antiduplication standards, loss ratios and premium standards, pre-existing conditions and medical underwriting limitation standards.

• Provides liaison with governmental entities (both Federal and State) regulating other payers for health care and their representative organizations, particularly State insurance departments and the National Association of Insurance Commissioners and like organizations. Serves as liaison with internal HCFA and Departmental components, the General Accounting Office, and the Office of Inspector General on Medigap issues.

• Provides service, advice, guidance and consultation directly, and through joint efforts with other HCFA components and Medicare contractors, to States, other Government entities, employers, insurers, providers, physicians, beneficiaries, and their representative organizations, to insure the Medigap program is understood.

• Prepares and assists in preparation of various reports to Congress on Medigap related issues.

• Coordinates the Medigap Federal penalty provisions referenced in the Social Security Act.

3. Office of Program Operations Procedures (FPB3)

• Develops and administers the specification, requirements, methods, systems, standards, procedures, and budget guidelines to implement and maintain the operational systems for the Medicare program including detailed definitions of the relative responsibilities of providers, contractors, HCFA, and the beneficiaries of the Medicare program.

• Reviews and evaluates systems, systems plans, and proposals, and Automated Data Processing acquisition and modifications involving carriers and intermediaries.

• Develops and promulgates specification and requirements for contractor processing of beneficiary and provider appeals.

• Develops specifications and recommends budget necessary for more effective methods to process Medicare claims.

• Reviews proposed policy, payment, and legislative proposals to evaluate the operational impact on claims processing and appeals activities including the development of cost estimates for the implementation of such proposals.

• Develops and maintains forms and electronic formats used by intermediaries and carriers to process claims.

• Develops, maintains, and disperses a quarterly task management plan which prioritizes contractor budget workload and initiatives.

a. Division of Claims Processing Procedures (FPB31)

• Directs the development and issuance of specifications, requirements, procedures, and instructional material to implement and maintain operational systems for processing Medicare claims and defining their applications to Medicare carriers, Medicare intermediaries, providers, physicians, other independent medical professionals, suppliers of service, beneficiaries, and HCFA.

• Maintains the intermediary and carrier instructional manuals including the Common Working file (CWF) interface instructions for processing claims from Medicare providers, physicians, other independent medical professionals, and suppliers of services.

• Reviews proposed policy, payment, and legislative proposals to evaluate the operational impact on Medicare claims processing operations.

• Implements new legislation impacting on Medicare claims processing operations.

• Develops the discharge data set specifying required information to be provided by intermediaries to Professional Review Organizations (PRO) in support of PRO medical review activities.

• Maintains liaison with representatives of the health care industry to ensure the HCFA processes are compatible with the industry's administration practices.

• Develops bill processing edits for intermediaries, carriers, and the CWF processing of Medicare claims.

• Develops instructions for and maintains and monitors supplier numbering clearinghouse.

b. Division of Claims Processing Requirements (FPB32)

• Prepares general systems plans and develops requirements for the detailed design and programming for claims processing modules to be used by Medicare contractors.

• Plans, conducts, and evaluates studies aimed at long-range improvements in electronic claims processing systems, methods, and procedures as they relate to the administration of the Medicare program and integration of operations within the framework of HCFA policies, goals, and objectives to promote efficiency and cost effectiveness.

• Develops programs to promote acceptance and usage of electronic claims processing, electronic funds transfer, and electronic remittance advice.

• Develops costs estimates for proposed legislation and regulations.

• Participates in the review and evaluation of systems-related applications project.

• Participants in the government-wide national disaster planning initiative and review of Medicare contractors' systems security.

• Develops and maintains billing forms and formats used by intermediaries and carriers.

• Serves HCFA focal point with American National Standards Institute on electronic claims processing formats used by the health insurance industry.

• Reviews proposed policy, payment, and legislative proposals to evaluate the operational impact on claims processing activities, including the development of cost estimates for the implementation of such proposals.

• Develops budget guidelines and cost estimates for Medicare claims processing activities.

• Develops, maintains, and disperses a quarterly workload plan as it relates to budget initiatives.

c. Division of Appeals and Communications (FPB33)

• Plans, develops, and issues operating policy, specifications, procedural requirements, and other materials to implement, maintain, or revise the appeals process for Part A and B claims.

• Develops, monitors, and approves formats and messages for the Medicare Explanation of Medicare Benefits.

• Plans, conducts, and evaluates studies to streamline and make more effective to appeals process and to develop both long-range and short-range improvements in systems, methods, and procedures relating to beneficiary and provider communications.

• Initiates improvements and develops procedures for providing beneficiary and provider services for telephone, written, and personal contacts by Medicare contractors and other field facilities.

• Develops standard language for use by Medicare contractors in communicating with beneficiaries and providers.

• Reviews proposed policy, payment, and legislative proposals to evaluate the operational impact on the appeals process for part A and part B claims.

• Identifies management's information needs for data relating to Administrative Law Judge's (ALJ) decisions concerning both part A and B claims and initiates appropriate actions for establishing or modifying the reporting and information systems to satisfy these needs (i.e., ALJ database, reversal reports, and decision reports).

• Develops procedures for conforming with the Privacy Act including maintaining a system of records for the **Federal Register**, clearing requests for information, and developing agreements with the States on releasing information.

d. Division of Operational Systems Development (FPB34)

• Designs, develops, and manages, at the national level, activities required to enhance systems for improvement of the Medicare eligibility systems, Part A and Part B claims processing systems, and the Medicare program database.

• Prepares systems plans and develops policies for the design, implementation, and evaluation of shared systems and standardized modules for use by Medicare carriers, intermediaries, and hosts.

• Directs the design, development testing, and implementation of innovative system enhancements to the Common Working File (CWF) shared claims processing systems resulting in

improvements to the national Medicare claims payment process.

• Provides national analysis and planning for changes to CWF and standard systems as required by legislative initiatives.

• Evaluates HCFA-wide systems plans for their impact on functions related to part A and part B of Medicare.

• Integrates systems changes within the framework of HCFA policies, goals, and objectives in an efficient and cost effective manner and coordinates systems changes with other HCFA components, the Social Security Administration, HCFA regional offices, provider groups, and other affected organizations.

4. Office of Quality and Evaluation (FPB4)

• Designs and implements evaluation programs to assess and improve the overall effectiveness and quality of Medicare contractor operations.

• Designs, develops, implements, monitors and, as necessary, revises performance standards for measuring and evaluating all aspects of Medicare contractor operations.

• Develops and applies policies, standards, and guidelines for quality assurance programs to provide uniform and comparative evaluation of contractor performance in areas of program eligibility and payment, bill and claim payment, audit, beneficiary services, and other contractor activities.

• Designs and monitors systems of internal controls and standards for Medicare contractors to ensure the Medicare program is adequately safeguarded against inappropriate expenditures.

• Develops, conducts, and/or directs Central Office and/or Regional Office participation in quality assurance reviews and studies of selected areas of contractor operations and evaluates policy and operations to improve program operations and implement policy and legislative directives.

• Designs, establishes, and maintains reporting and information management systems for Medicare contractor program operations and administrative data.

• Provides data and systems analysis support for the production and interpretation of program operations and performance indicators.

• Serves as the focal point for Medicare intermediary and carrier contractor performance for the contracting officer.

a. Division of Quality Programs (FPB41)

• Develops, implements, directs, and operates national quality assurance programs to determine the effectiveness and quality of Medicare contractor's operations, including claims payment, and payments to institutional providers.

• Evaluates the quality of contractor audits/settlements of cost-based, prospective, and alternate payment systems, and chain providers' home office costs.

• Assures uniform national assessment of Medicare contractors' compliance with claims payment performance standards and program requirements.

• Develops and publishes guides and requirements for the direction on Medicare payment evaluation and quality assurance programs.

• Establishes, develops, implements, and operates a comprehensive system for analyzing quality assurance program results and for evaluating and assuring adherence to requirements for operating Medicare claims payment quality assurance and evaluation programs.

• Reviews established Medicare payment quality assurance and evaluation programs and implements appropriate enhancements reflecting operations, legislative, and administrative changes.

• Identifies inaccurate or inconsistent performance, and reviews and approves corrective action planning and monitoring.

b. Division of Standards (FPB42)

• Develops, operates, and manages a program of qualitative and quantitative standards and requirements for Medicare contractors, including the development and implementation of contractor performance evaluation programs for intermediaries, carriers, Regional Home Health Intermediaries, and Common Working File Host.

• Quantifies and describes acceptable levels of performance by which Medicare contractors are evaluated.

• Negotiates with regional offices, contractors, providers, other HCFA components, and national public and private professional organizations to arrive at proposed or revised performance standards or requirements prior to their formal issuance.

• Assures that new program and performance standards and subsequent modifications are incorporated into the performance evaluation programs and related reports.

• Reviews program instructions and makes recommendations to issuing components to ensure guidelines contain effective safeguards and standards for ensuring accurate implementation.

• Analyzes all quantitative and qualitative standards and program requirements to assess their operational validity and makes recommendations for appropriate changes.

• Serves as the focal point for Medicare intermediary and carrier contractor performance for the contracting officer.

• Designs, develops, implements, and operates a national system for collecting and reporting results of performance as measured against established standards.

• Initiates, interprets, evaluates, and maintains data on each Medicare contractor in terms of compliance with performance requirements.

• Designs, develops, and conducts special projects and/or coordinates with other HCFA components on the conduct of special projects which have an impact on contractor performance evaluation.

c. Division of Program Evaluation (FPB43)

• Conducts in-depths evaluations of selected programmatic areas to determine whether established policy and operational criteria are effectively and accurately met.

• Conducts special surveys in critical areas, identifies problems and barriers to problem resolution, and develops and recommends alternative solutions to promote program quality.

• Analyzes trends and identifies problems or potential problems requiring program action.

• Initiates, interprets, evaluates, and maintains data on each Medicare contractor in terms of compliance with program initiatives and performance requirements, administrative expenditures, and implementation of program and operating policies, systems, and procedures.

• Develops, conducts, and/or directs Central Office and/or Regional Office participation in quality assurance reviews and studies of selected areas of contractor operations to improve operations.

• Uses statistical databases and applications to analyze, evaluate, and make recommendations towards improving program operations, including operational efficiency.

d. Division of Reports and Information Management (FPB44)

• Designs, establishes, and maintains reporting and information management systems for Medicare contractor program operations and administrative data.

• Reviews contractors' reporting systems for consistency and the ability to transmit the required information and prepares the appropriate reporting requirements.

• Prepares written interpretations and analyses of operating data to provide other Bureau components with information necessary in conducting program and performance evaluations.

• Develops the specifications for an automated operational data system for Medicare contractor program operations.

• Prepares recurring and special reports on the status and trends in program administration and operational effectiveness.

• Provides technical assistance to regional offices and contractors on reporting requirements.

• Monitors systems of internal controls for use by Medicare contractors to ensure the Medicare program is adequately safeguarded against inappropriate expenditures.

• Directs the Bureau's microcomputer activities including: providing technical assistance to the Bureau components applications, developing automation strategy based on long term needs and new initiatives, documenting requirements and coordinating design, development, end user training, and implementation activities with Bureau of Data Management and Strategy.

Dated: August 21, 1992.

William Toby, Jr.,

Acting Deputy Administrator, Health Care Financing Administration.

[FR Doc. 92-20873 Filed 9-1-92; 8:45 am]

BILLING CODE 4120-01-M

National Institutes of Health

Cooperative Research and Training Agreement Opportunity (CRADA) for Development of Clinical Therapies To Treat Ocular Inflammation

AGENCY: National Institutes of Health, Public Health Service, DHHS.

ACTION: Notice.

SUMMARY: The National Eye Institute (NEI) of the National Institutes of Health (NIH) seeks to establish a CRADA with companies for development of clinical therapies to treat ocular inflammation.

ADDRESSES: Questions about this opportunity should be addressed to Dr. Scott Whitcup, National Eye Institute, Building 10, room 10N202, 9000 Rockville Pike, Bethesda, Maryland 20892, telephone (301) 496-0097 (this is not a toll-free number).

DATES: Proposals must be received by October 1, 1992.

SUPPLEMENTARY INFORMATION: The Laboratory of Immunology of the National Eye Institute (NEI), conducts laboratory and clinical investigations of eye disorders, particularly immune-mediated and other ocular inflammatory diseases.

Scientists in the Laboratory have developed methods of blocking cell adhesion molecules in the eye with monoclonal antibodies. They have demonstrated that cell adhesion molecules are strongly expressed on a number of ocular tissues in the presence of ocular inflammation, and that blocking cell adhesion molecules can significantly inhibit ocular inflammation.

The NEI seeks to establish a cooperative research and development agreement (CRADA) to develop clinically useful therapies to prevent ocular inflammatory disorders, using their methods of blocking cell adhesion molecules in the eye.

The successful CRADA awardee will market and commercialize clinically valid therapies in treating ocular inflammation. Selection criteria for choosing the CRADA partner will include, but will not be limited to:

1. Ability to perform market analysis, strategy, marketing, production, sales and support of these therapies.

2. Demonstrated capability to develop ocular devices, such as intraocular lens implants with reservoirs to deliver blocking molecules to the eye, for clinical evaluation.

3. Ability to develop, produce or acquire monoclonal antibodies or other smaller molecules that may be used to block cell adhesion molecules expressed in the eye.

4. Capacity to produce topical or injectable preparations of these drugs for delivery to the eye.

5. Capacity to develop, implement and manage the commercialization process.

6. Ability to market, sell and distribute therapies in a manner that is reasonably calculated to ensure the dissemination of the technology to clinical ophthalmologists and others providing health care services to vision patients.

Pursuant to this CRADA, the NEI will:

1. Provide staff time, laboratory facilities and clinical resources to develop and conduct animal studies and human clinical trials of therapies based on their methods of blocking cell adhesion molecules.

2. Work cooperatively with the company in determining the market potential for such therapies.

Reid G. Adler,

Director, Office of Technology Transfer.

[FR Doc. 92-21077 Filed 9-1-92; 8:45 am]

BILLING CODE 4140-01-M

Public Health Service

National Institutes of Health; Privacy Act of 1974; New System of Records

AGENCY: Public Health Service, HHS.

ACTION: Notification of a new system of records.

SUMMARY: In accordance with the requirements of the Privacy Act, the Public Health Service (PHS) is publishing a notice of a new system of records, 09-25-0167, "National Institutes of Health (NIH) TRANSHARE Program, HHS/NIH/OD." The system of records, which is managed by the NIH Employee Transportation Services Office (ETSO), is used to coordinate and manage the NIH TRANSHARE Program. We are also proposing routine uses for this new system.

DATES: PHS invites interested parties to submit comments on the proposed internal and routine uses on or before October 2, 1992. PHS has sent a report of a New System to the Congress and to the Office of Management and Budget (OMB) on August 19, 1992. PHS has requested that OMB grant a waiver of the usual requirement that a system of records not be put into effect until 60 days after the report is sent to OMB and Congress. If this waiver is granted, PHS will publish a notice to that effect in the **Federal Register**. The routine uses will be effective 30 days after the date of publication unless PHS receives comments which would result in a contrary determination.

ADDRESSES: Please submit comments to: Privacy Act Officer, National Institutes of Health, Building 31, room 3B03, 9000 Rockville Pike, Bethesda, MD 20892, (301) 496-2832. Comments received will be available for inspection at this same address from 9 a.m. to 3 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: NIH Privacy Act Officer, Building 31, room 3B03, 9000 Rockville Pike, Bethesda, MD 20892, (301) 496-2832. The number listed above is not toll free.

SUPPLEMENTARY INFORMATION: The National Institutes of Health (NIH) proposes to establish a new system of records: 09-25-0167, "NIH TRANSHARE Program." This system of records will be used by the ETSO staff to: (1) Manage the NIH TRANSHARE Program, including receipt and processing of employee applications, coordination of the fare media (commuter coupons for the MARC Train, METRO rail tickets, METRO bus tokens, and Ride-On tickets), and distribution of the fare media to employees through the Recreation & Welfare Association of the

National Institutes of Health, Inc. (R&W Association), an NIH employee organization; (2) track the use of appropriated funds used to support the Program; and (3) evaluate employee participation in the Program.

This system includes the following information on all persons applying for the NIH TRANSHARE fare media: Name, home address, parking hanger permit number, unique computer identification number, NIH TRANSHARE commuter card number, NIH pay plan, grade level, office phone number, building and room, Institute/Center/Division designation, name of supervisor, commute mode to work and type of fare media used. The amount of information recorded on each individual will be only that which is necessary to accomplish the purpose of the system.

The records in this system will be maintained in a secure manner compatible with their content and use. NIH staff will be required to adhere to the provisions of the Privacy Act and the HHS Privacy Act Regulations. The System Manager will control access to the data. Only authorized users whose official duties require the use of such information will have regular access to the records in this system. Authorized users are the ETSO staff and R&W Association cashiers who are responsible for implementing the Program. Cashier access will be limited to applicant's name, unique computer identification number, NIH TRANSHARE commuter card number, and type of fare media disbursed.

Records will be stored on paper forms in file folders in locked file cabinets and on computer disk. Data stored in computers will be accessed through the use of a password and specific keywords known only to authorized users. Rooms where records are stored are locked when not in use. During regular business hours rooms are unlocked but are controlled by on-site personnel. Manual and computerized records will be maintained in accordance with the standards of Chapter 45–13 of the HHS General Administration Manual, "Safeguarding Records Contained in Systems of Records," supplementary Chapter PHS hf: 45–13, the Department's Automated Information System Security Program Handbook, and the National Institute of Standards and Technology Federal Information Processing Standards (FIPS Pub. 41 and FIPS Pub. 31).

The routine uses proposed for this system are compatible with the stated purposes of the system. The first routine use, permitting disclosure to a congressional office, is proposed to allow subject individuals to obtain assistance from their representatives in Congress, should they so desire. Such disclosure would be made only pursuant to a request of the individual. The second routine use of this system allows disclosure to the Department of Justice to defend the Federal Government, the Department, or employees of the Department in the event of litigation. The third routine use, allowing disclosure to the R&W Association cashiers for the purpose of distribution of the fare media, will permit NIH to administer the system efficiently. Inclusion of the R&W Association and its facilities is advisable because the NIH lacks necessary internal resources and because the R&W Association has established security procedures in place due to their experience in managing the sale of public transportation fare media. The fourth routine use permits disclosure to organizations deemed qualified by the Secretary to carry out quality assessments or utilization review. The fifth routine use allows disclosure of statistical reports containing information from this system to city, county, State, and Federal Government agencies (including the General Accounting Office).

The following notice is written in the present, rather than future tense, in order to avoid the unnecessary expenditure of public funds to republish the notice after the system has become effective.

Dated: August 24, 1992.

Wilford J. Forbush,

Director, Office of Management.

09–25–0167

SYSTEM NAME:

National Institutes of Health (NIH) TRANSHARE Program, HHS/NIH/OD.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Employee Transportation Services Office (ETSO), National Institutes of Health, Building 31, room B3B08, 9000 Rockville Pike, Bethesda, Maryland 20892.

Recreation and Welfare Association Activities Desk, National Institutes of Health, Building 31, room B1W30A, 9000 Rockville Pike, Bethesda, Maryland 20892.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

NIH employees who apply for and participate in the NIH TRANSHARE Program.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, home address, parking hanger permit number, unique computer identification number, NIH TRANSHARE commuter card number, NIH pay plan, grade level, office phone number, building and room, Institute/Center/Division designation, name of supervisor, commute mode to work, and type of fare media used.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 629 of Public Law 101–509, "State or Local Government Programs Encouraging Employee Use of Public Transportation; Federal Agency Participation," found at 5 U.S.C. note prec. section 7901.

PURPOSE(S) OF THE SYSTEM:

(1) To manage the NIH TRANSHARE Program, including receipt and processing of employee applications, and coordination of the fare media distribution to employees.

(2) To monitor the use of appropriated funds used to support the NIH TRANSHARE Program.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

1. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

2. The Department of Health and Human Services (HHS) may disclose information from this system of records to the Department of Justice, or to a court or other tribunal, when (a) HHS, or any component thereof; or (b) any HHS employee in his or her official capacity; or (c) any HHS employee in his or her individual capacity where the Department of Justice (or HHS, where it is authorized to do so) has agreed to represent the employee; or (d) the United States or any agency thereof where HHS determines that the litigation is likely to affect HHS or any of its components, is a party to litigation, and HHS determines that the use of such records by the Department of Justice, court or other tribunal is relevant and necessary to the litigation and would help in the effective representation of the governmental party, provided, however, that in each case HHS determines that such disclosure is compatible with the purpose for which the records were collected.

3. NIH may disclose applicant's name, unique computer identification number, NIH TRANSHARE commuter card number, and type of participant's fare

media to be disbursed to cashiers of the Recreation and Welfare Association of the National Institutes of Health, Inc. (R&W Association) who are responsible for distribution of fare media. Cashiers are required to maintain Privacy Act safeguards with respect to such records.

4. Disclosure may be made to organizations deemed qualified by the Secretary to carry out quality assessments or utilization review.

5. NIH may disclose statistical reports containing information from this system of records to city, county, State, and Federal Government agencies (including the General Accounting Office).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in file folders and computer disks.

RETRIEVABILITY:

Records are retrieved by name and NIH TRANSHARE commuter card number.

SAFEGUARDS:

1. Authorized Users: Data on computer files is accessed by keyword known only to authorized users who are ETSO employees and cashiers of the R&W Association who are responsible for implementing the Program. Cashier access will be limited to applicant's name, unique computer identification number, NIH TRANSHARE computer card number, and type of fare media disbursed. Access to information is thus limited to those with a need to know.

2. Physical Safeguards: Rooms where records are stored are locked when not in use. During regular business hours, rooms are unlocked but are controlled by on-site personnel.

3. Procedural and Technical Safeguards: A password is required to access the terminal, and a data set name controls the release of data to only authorized users. All users of personal information in connection with the performance of their jobs (see Authorized Users, above) protect information from public view and from unauthorized personnel entering an unsupervised office.

These practices are in compliance with the standards of Chapter 45–13 of the HHS General Administration Manual, "Safeguarding Records Contained in Systems of Records," supplementary Chapter PHS hf: 45–13, and the Department's Automated Information System Security Program Handbook, and the National Institute of Standards and Technology Federal Information Processing Standards (FIPS Pub. 41 and FIPS Pub. 31).

RETENTION AND DISPOSAL:

Records are retained and disposed of under the authority of the NIH Records Control Schedule contained in NIH Manual Chapter 1743, Appendix 1—"Keeping and Destroying Records" (HHS Records Management Manual, Appendix B–361), item 1500–A–3. Records are retained for a maximum of two years following the last month of an employee's participation in the NIH TRANSHARE Program. Paper copies are destroyed by shredding. Computer files are destroyed by deleting the record from the file.

SYSTEM MANAGER AND ADDRESS:

Traffic Management Specialist, Employee Transportation Service Officer, Division of Security Operations, National Institutes of Health, Building 31, Room B3B08, 9000 Rockville Pike, Bethesda, Maryland 20892.

NOTIFICATION PROCEDURES:

To determine if a record exists, write to the System Manager listed above. The requester must also verify his or her identity by providing either a notarization of the request or a written certification that the requester is who he or she claims to be. The request should include: (a) Full name, and (b) appropriate dates of participation. The requester must also understand that the knowing and willful request for acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Act, subject to a five thousand dollar fine.

RECORD ACCESS PROCEDURES:

Write to the System Manager specified above to attain access to records and provide the same information as is required under the Notification Procedures. Requesters should also reasonably specify the record contents being sought. Individuals may also request an accounting of disclosure of their records, if any.

CONTESTING RECORD PROCEDURES:

Contact the System Manager specified above and reasonably identify the record, specify the information to be contested, the corrective action sought, and your reasons for requesting the correction, along with supporting information to show how the record is inaccurate, incomplete, untimely or irrelevant. The right to contest records is limited to information which is incomplete, irrelevant, incorrect, or untimely (obsolete).

RECORD SOURCE CATEGORIES:

Subject individual.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 92–20877 Filed 9–1–92; 8:45 am]
BILLING CODE 4140–01–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Public and Indian Housing

[Docket No. N–92–3472; FR–3155–N–02]

NOFA for Rental Voucher Program and Rental Certificate Program

AGENCY: Office of the Assistant Secretary for Public and Indian Housing, HUD.

ACTION: Notice of funding availability for FY 92, extension of application deadline for selected public housing agencies (PHAs) and Indian housing authorities (IHAs), both referred to in this document as housing agencies (HAs).

SUMMARY: On July 29, 1992, the Department published a NOFA (57 FR 33606) for the Rental Voucher and Rental Certificate Programs for FY 1992. The application deadline stated in the July 29 NOFA is 3 p.m. local time (i.e., time at the office where the application is submitted) on August 28, 1992.

On August 25, 1992 Hurricane Andrew inflicted major damage in Southern Florida and continued through the Gulf coast. Some HA offices have been closed as a result of the storm. Elsewhere, HA employees in the areas inflicted with heavy damages are preoccupied with providing disaster assistance to affected very low income families, correcting damage to assisted housing, and caring for their own homes and families. Accordingly, the Department believes it is in the public interest to extend the application deadline for these HAs.

DATES: Applications from HAs in communities located in Federally declared disaster areas must be received in the HUD Field Office/Indian Programs Office by 3 p.m. local time (i.e., time at the office where the application is submitted) on September 11, 1992. This application date applies only to HAs in communities declared, on or before September 10, 1992, to be Federal disaster areas resulting from

Hurricane Andrew. (All other HAs must have submitted applications by 3 p.m. local time on August 28, 1992, as originally provided for in the July 29, 1992 publication.)

FOR FURTHER INFORMATION: Gerald J. Benoit, Director, Operations Branch, Rental Assistance Division, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street, SW, Washington, DC 20410–8000 telephone (202) 708–0477. Hearing-or speech-impaired individuals may call HUD's TDD number (202) 708–4594. (These telephone numbers are not toll-free).

SUPPLEMENTARY INFORMATION: Section 213 of the Housing and Community Development Act of 1974 requires that HUD independently determine that there is a need for the housing assistance requested in applications, and solicit and consider comments relevant to this determination from the chief executive officer of the unit of general local government. Section 213 provides the chief executive officer with 30 days from the date of the letter from HUD soliciting comments from the unit of general local government.

Since there are not 30 days remaining from the date of the extended application period until the end of the Federal fiscal year (September 30, 1992), HAs to which this notice applies should strongly encourage the chief executive officer of the unit of general local government to submit a letter with the HA application commenting on the application in accordance with Section 213. Since HUD cannot approve an application until the 30-day comment period is closed, the section 213 letter not only should comment on the application, it also should state that HUD may consider the letter to be the unit of local government's final comments, and that no additional comments will be forthcoming.

Applications that are not accompanied by the Section 213 letter, or for which a section 213 letter is not received by the close of business on September 28, cannot be approved by HUD during fiscal year 92. HUD cannot guarantee that funding under this NOFA will be available after September 30, 1992.

Dated: August 28, 1992.

Michael B. Janis,

General Deputy Assistant Secretary for Public and Indian Housing.

[FR Doc. 92–21135 Filed 9–1–92; 8:45 am]

BILLING CODE 4210–33–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[WY–920–02–4120–14; WYW119554]

Competitive Coal Lease Sale, North Antelope/Rochelle, WY

AGENCY: Bureau of Land Management, Interior, Wyoming.

ACTION: Notice of Competitive Coal Lease Sale; North Antelope/Rochelle Tract.

SUMMARY: Notice is hereby given that certain coal resources in the North Antelope/Rochelle Tract described below in Campbell County, Wyoming, will be offered for competitive lease by sealed bid in accordance with the provisions of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 181 *et seq.*).

DATES: The lease sale will be held at 10:30 a.m., on Monday, September 28, 1992. Sealed bids must be submitted on or before 4 p.m., on Friday, September 25, 1992.

ADDRESSES: The lease sale will be held in the Third Floor Conference Room of the Wyoming State Office, 2515 Warren Avenue, P.O. Box 1828, Cheyenne, Wyoming 82003. Sealed bids must be submitted to the Cashier, Wyoming State Office, at the address given above.

FOR FURTHER INFORMATION CONTACT: Mavis Love, Land Law Examiner, or Eugene Jonart, Coal Coordinator at (307) 775–6250.

SUPPLEMENTARY INFORMATION: This coal lease sale is being held in response to lease by applications filed by Powder River Coal Company of Gillette, Wyoming. The coal resources to be offered consist of all reserves recoverable by surface mining methods in the following-described lands located approximately 50 miles south of the city of Gillette, Wyoming:

T. 41 N., R. 70 W., 6th P.M., Wyoming

Sec. 1: Lots 8, 9, 16;
Sec. 2: Lots 5 thru 16;
Sec. 3: Lots 5 thru 16;
Sec. 4: Lots 5 thru 15, SWNE;
Sec. 5: Lots 5 thru 18;
Sec. 6: Lots 8, 9, 14 thru 17, 22, 23;
Sec. 7: Lots 5, 12, 13, 20;
Sec. 8: Lots 4, 10, 11, SWNW;
Sec. 17: Lots 3 thru 6, 11 thru 14.

Containing 3064.04 acres

The tract, located adjacent to the existing North Antelope and Rochelle mines, contains Fort Union Formation coal of the Wyodak-Anderson seam. The coal averages about 71 feet thick on the eastern (Rochelle) portion of the tract and 79 feet thick on the western (North Antelope) portion. This seam can be mined as a single unit except for isolated thin occurrences of interburden. In the extreme eastern portion of the tract, where the seam is split, the upper split averages about 58 feet thick while the lower split averages about two feet in thickness and is considered unrecoverable.

The tract contains an estimated 403,500,000 tons of in-place coal reserves. The eastern (Rochelle) portion of the tract has an average overall stripping ratio of 2.16 bank cubic yards (BCY) overburden/ton of coal and the western (North Antelope) portion of the tract has an average stripping ratio of 2.29 BCY/ton. An estimated 393,600,000 tons of coal are considered recoverable on the tract.

The coal rank is subbituminous C. Average in-place quality in the eastern (Rochelle) portion of the tract is 8700 BTU/lb., 4.31% ash, and 0.13% sulfur. Average in-place quality in the western (North Antelope) portion of the tract is 8804 BTU/lb., 4.28% ash, and 0.35% sulfur. This places the coal reserves in the tract near the top quality range for coal being mined in the southern Powder River Basin.

The tract in this lease offering contains split estate lands. There are qualified surface owners as defined in the regulations at 43 CFR 3400.0–5. Consent granted by the qualified surface owners has been filed with and verified by the Bureau of Land Management (BLM). The lands and purchase price of the consent are shown below:

T. 41 N., R. 70 W., 6th P.M., Wyoming

Sec. 3: Lots 5 thru 16;
Sec. 4: Lots 6 thru 10, 13 thru 15, SWNE;
Sec. 5: Lots 5, 6, 11 thru 14.

Containing 1076.38 acres

Purchase Price: $10.00 and the amount per ton of 2,000 pounds of coal mined from the subject property equal to three percent (3%) of the gross realization of all coal mined and sold from the subject property.

The tract will be leased to the qualified bidder of the highest cash amount provided that the high bid equals the fair market value of the tract. The minimum bid for the tract is $100 per acre or fraction thereof. No bid that is less than $100 per acre, or fraction thereof, will be considered. The bids should be sent by certified mail, return receipt requested, or be hand delivered. The Cashier will issue a receipt for each hand-delivered bid. Bids received after 4:00 p.m., on Friday, September 25, 1992, will not be considered. The minimum bid is not intended to represent fair market value. The fair market value of

the tract will be determined by the Authorized Officer after the sale.

If identical high bids are received, the tying high bidders will be requested to submit follow-up sealed bids until a high bid is received. All tie-breaking sealed bids must be submitted within 15 minutes following the Sale Official's announcement at the sale that identical high bids have been received.

If the applicant for the lease by applications is not the successful bidder, the BLM will evaluate the existing National Environmental Policy Act documentation to determine if further analysis is necessary, which could lead to a delay in lease issuance.

The lease issued as a result of this offering will provide for payment of an annual rental of $3.00 per acre, or fraction thereof, and of a royalty payment to the United States of 12.5 percent of the value of coal produced by strip or augur mining methods and 8 percent of the value of the coal produced by underground mining methods. The value of the coal will be determined in accordance with 30 CFR 206.250.

Bidding instructions for the tract offered and the terms and conditions of the proposed coal lease are available from the Wyoming State Office at the addresses above. Case file documents, WYW119554, are available for inspection at the Wyoming State Office.

Eugene A. Jonart,

Acting Chief, Branch of Mining Law & Solid Minerals.

[FR Doc. 92-21033 Filed 9-1-92; 8:45 am]

BILLING CODE 4310-22-M

[AZ-020-02-4212-24; AZA-24709]

Notice of Receipt of Conveyance of Mineral Interest Application

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Minerals Segregation.

SUMMARY: The private lands described in this notice, aggregating approximately 2,520 acres, are segregated and made unavailable for filings under the general mining laws and the mineral leasing laws to determine their suitability for conveyance of the reserved mineral interest pursuant to section 209 of the Federal Land Policy and Management Act of October 21, 1976.

The mineral interests will be conveyed in whole or in part upon favorable mineral examination.

The purpose is to allow consolidation of surface and subsurface of minerals ownership where there are no know mineral values or in those instances where the reservation interferes with or precludes appropriate nonmineral development and such development is a more beneficial use of the land than the mineral development.

FOR FURTHER INFORMATION CONTACT: Vivian Reid, Land Law Examiner, Phoenix District Office, 2015 West Deer Valley Road, Phoenix, Arizona 85027, (602) 863-4464. Serial Number AZA-24709.

Gila and Salt River Base and Meridian, Yavapai County, Arizona

T. 8 N., R. 1 W.,
Sec. 6, All.
Sec. 20, NE¼.
Sec. 21, N½, SE¼.
Sec. 22, SW¼.
T. 8 N., R. 2 W.,
Sec. 10, S½, NE¼, S½NW¼.
Sec. 15, NE¼NW¼, NW¼NE¼.
T. 9 N., R. 2 W.,
Sec. 23, S½NE¼, SE¼.
Sec. 24, S½NW¼, SW¼.
Sec. 25, N½NW¼.
Sec. 26, N½NE¼.

Minerals Reservation—All Federally owned minerals applicable to each individual parcel.

Upon publication of this Notice of Segregation in the **Federal Register** as provided in 43 CFR 2720.1-1(b), the mineral interests owned by the United States in the private lands covered by the application shall be segregated to the extent that they will not be subject to appropriation under the mining and mineral leasing laws. The segregative effect of the application shall terminate upon: issuance of a patent or deed of such mineral interest; upon final rejection of the application; or two years from the date of publication of this notice, whichever occurs first.

Dated: August 26, 1992.

Henri R. Bisson,

District Manager.

[FR Doc. 92-21090 Filed 9-1-92; 8:45 am]

BILLING CODE 4310-32-M

[OR 47550; OR-080-02-4212-12: GP2-404]

Realty Action; Proposed Exchange; Oregon

August 21, 1992.

This exchange will be between the United States (Bureau of Land Management) and the State of Oregon, acting by the through its Department of Forestry.

The following described public lands (public domain and Revested Oregon and California Railroad Grant land Status) have been determined to be suitable for disposal by exchange under section 206 of the Federal Land Policy and Management Act of 1976, as amended (43 U.S.C. 1701 et seq.):

Willamette Meridian, Oregon,

T. 1 S., R. 9 W.,
Sec. 2, SW¼NW¼;
T. 2 S., R. 8 W.,
Sec. 21, E½SW¼, S½SE¼;
T. 3 S., R. 9 W.,
Sec. 21, SW¼SW¼.

The parcels described above contain 240.00 acres in Tillamook County.

In exchange for these parcels, the United States will acquire the following described lands from the State of Oregon:

Will. Mer., Oreg.,

T. 3 S., R. 7 W.,
Sec. 18, E½NW¼, S½NE¼;
T. 3 S., R. 8 W.,
Sec. 7, SW¼SE¼;
T. 4 S., R. 7 W.,
Sec. 12, SE¼SW¼.

The parcels described above contain 240.00 acres in Tillamook County.

The purpose of the exchange is to facilitate resource management opportunities as identified in the Salem District's Westside Management Framework Plan. The State lands offered are surrounded by other public lands which are being managed for multiple use, including protection of northern spotted owl habitat and the sustained yield of timber. The public lands selected are adjacent to State lands which are being managed for timber production. Acquisition of these parcels by the State would enhance its timber production program. The public interest will be highly served by making this exchange.

The values of the lands to be exchanged are approximately equal or the acreage will be adjusted to equalize the values upon completion of the final appraisal of the lands. Full equalization of values will be achieved by payment to the United States of funds in an amount not to exceed 25 percent of the value of the public land to be transferred. All mineral rights will be transferred with the surface estate.

The deed or patent to the selected land will be subject to:

1. The reservation to the United States of a right-of-way for ditches or canals. Act of August 30, 1890 (43 U.S.C. 945)

2. Right-of-Way Reservation OR 10173 (Bonneville Power Administration's Carlton-Trask No. 1 transmission line).

3. Valid existing rights.

Publication of this notice in the **Federal Register** will segregate the public lands described above to the extent that they will not be subject to appropriation under the public land

laws, including the mining laws, except for exchange under section 206 of the Federal Land Policy and Management Act. Any subsequently tendered application, allowance of which is discretionary, shall not be accepted, shall not be considered as filed, and shall be returned to the applicant (43 CFR 2201.1(b)). The segregative effect of this notice will terminate upon issuance of patent or in two years, whichever occurs first.

Detailed information concerning this exchange, including the environmental assessment/land report, is available for review at the Salem District Office, 1717 Fabry Road Se., Salem, OR 97306, or at the Tillamook Resource Area Office, 4610 Third Street, Tillamook, OR 97141.

For the period of 45 days from the date of publication of this notice in the **Federal Register**, interested parties may submit comments to the Tillamook Area Manager at the above address. Any objections will be reviewed by the Salem District Manager who may sustain, vacate, or modify this realty action. In the absence of any objections, this realty action will become the final determination of the Department of the Interior.

Dana R. Shuford,

Tillamook Area Manager.

[FR Doc. 92-21042 Filed 9-1-92; 8:45 am]

BILLING CODE 4310-33-M

Fish and Wildlife Service

Availability of a Final Environmental Impact Statement for the Chincoteague National Wildlife Refuge Master Plan

AGENCY: Fish and Wildlife Service, Interior.

ACTION: This notice advises the public that the final Environmental Impact Statement of the Chincoteague National Wildlife Refuge Master Plan, Chincoteague, Virginia is available for public review. Comments and suggestions are requested. Proposed is a series of managemental and developmental actions for Chincoteague National Wildlife Refuge (NWR) to be implemented over the next ten to twenty years. This proposed action balances dual goals: (1) To protect and enhance the coastal barrier island habitats of two endangered and one threatened species, as well as other species of management concern, while continuing (2) to provide refuge visitors with high quality educational and recreational experiences to the extent these activities are compatible with the purposes for which the refuge was established. Chincoteague NWR will continue to work in partnership with the National Park Service (NPS), Assateague Island National Seashore (AINS), seeking closer inter-agency coordination while maintaining a division of responsibilities. Four alternatives were considered in the planning process to meet the goals listed above.

DATES: Written comments are requested by September 30, 1992.

ADDRESSES: Comments should be addressed to: John D. Schroer, Refuge Manager, Chincoteague National Wildlife Refuge, P.O. Box 62, Chincoteague, VA 23336.

FOR FURTHER INFORMATION CONTACT: John D. Schroer, Refuge Manager, Chincoteague National Wildlife Refuge, P.O. Box 62, Chincoteague, VA 23336, 804/336-6122.

Individuals wishing copies of this EIS for review should immediately contact the above individual. Copies have been sent to all agencies and individuals who participated in the scoping process and to all others who have already requested copies.

SUPPLEMENTARY INFORMATION: John D. Schroer, Refuge Manager, Chincoteague National Wildlife Refuge is the primary author of this document. The Fish and Wildlife Service (FWS), Department of the Interior, has prepared a final EIS on its proposal to provide for management and development of the Chincoteague National Wildlife Refuge (NWR) to be implemented over the next ten to twenty years. Management proposals regarding wildlife species and their habitat include: Acquiring important wildlife habitat in the refuge vicinity; managing refuge forests to establish and maintain endangered Delmarva Peninsula fox squirrel habitat and habitat diversity; protecting nesting and feeding piping plovers, a threatened species, and other shorebirds by intensifying predator control and continuing/ expanding closures; enhancing freshwater wetland habitat on the refuge by improving water capabilities in the impoundments; maintaining existing biodiversity present on the refuge; and maintaining better control of the Chincoteague ponies. The public use and facilities management actions include: emphasizing wildlife oriented recreational and educational opportunities; continuing the deer and waterbird hunting programs; managing off-road vehicle access to protect the piping plover; retaining the current beach general recreation zone; establishing a maximum beach use capacity; continuing private vehicle beach access as long as beach parking areas remain; allowing NPS to maintain existing parking at the beach as long as the land base remains; coordinating with NPS and the Chincoteague community in identifying a suitable off-site parking area; implementing a system to eliminate traffic backups at the beach; and developing a FWS headquarters/visitor center on a geologically stable portion of the island.

This action is designed to give overall guidance for the protection, use, and development of Chincoteague National Wildlife Refuge (CNWR) during the next ten to twenty years. Chincoteague National Wildlife Refuge was established in 1943 for use as an inviolate sanctuary, or for any other management purpose, for migratory birds. At the time of the original acquisition, primary recognition was given to southern Assateague Island's value in as important habitat for migrating and wintering greater snow geese. While the refuge continues to provide important waterfowl habitat, the management emphasis has expanded over the years to address a variety of other wildlife needs. Today, Chincoteague NWR supports breeding populations of the endangered Delmarva Peninsula fox squirrel and threatened piping plover. In addition the refuge has supported a resident pair of peregrine falcons, also an endangered species, since 1982, and hundreds of peregrine falcons stop on the refuge during migration. The refuge is also one of the top five shorebird migratory staging areas in the United States, east of the Rocky Mountains. However, the refuge also provides as important educational and recreational resource for people attracted to the beautiful beach and excellent wildlife viewing opportunities. Visitation has increased sharply since construction of the bridge from Chincoteague Island in 1963 and inclusion of refuge lands within Assateague Island National Seashore (AINS) in 1965. According to refuge records, public use has grown from an estimated 100,000 visits in 1963 to more than 1.5 million visits in 1987, ascribing to Chincoteague NWR the third highest number of visits of any national wildlife refuge in the country. The primary impetus for master planning of Chincoteague NWR at this particular time comes from a growing need to balance high visitation with protection and enhancement of wildlife populations that depend on refuge habitat. The situation must be viewed in the broad context of regional and national trends in loss of wildlife habitat and demand for recreational and economic opportunities.

This action will result in the following major beneficial consequences: Improved wildlife habitat to encourage endangered and threatened species production; improved habitat for migrating and wintering waterfowl, shorebirds, and other wildlife; improved wildlife oriented recreational and educational opportunities: assured access to the refuge beach, while maintaining a quality beach experience in keeping with wildlands recreational objectives; and improved FWS/NPS management, coordination and efficiency. Possible adverse impacts include: loss of tax revenue for the town or county; redirected or reduced public use in certain areas; loss of small amounts of wetlands; impaired viewing and photographing opportunities for visitors; create negative visual impact by constructing shelters at the beech; and loss of small amounts of habitat to proposed construction.

Besides the proposed action, the major alternatives under consideration that were analyzed and evaluated during planning include the following:

1. The No Action alternative describes current management activities, assuming that these will continue over the next ten to twenty years. A description of this course of no significant new action provides a reference point to compare and evaluate environmental consequences associated with the other alternative plans. Although significant steps are presently being undertaken to manage and protect wildlife, the overall, environmental effects of taking No Action may result in reduced wildlife habitat quality and reduced wildlife reproduction. Inadequate visitor facilities and public use regulation mechanisms will continue to compromise wildlife oriented experiences, and may degrade wildlife habitat or otherwise jeopardize wildlife production.

2. The Wildlife Management alternative emphasizes wildlife protection and gives full consideration to actively managing refuge habitats and public uses for maximum wildlife benefit. Public use has lower priority, although programs that do not require a large outlay of funding or necessitate construction of nonwildlife oriented facilities on the refuge and proposed. Habitat and wildlife production benefits from implementation of the natural resource management proposals in this alternative will exceed those descried for the Proposed Action alternative, as certain public access is confined to seasonal shuttle access and habitat management programs and wildlife studies efforts are increased. Public use management consequences reflect reduced recreation opportunities, including less wildlife observation opportunities.

3. The Public Use Alternative emphasizes visitor accommodation. The major objectives to protect and perpetuate the ecosystem and wildlife population are met. Many proposed management efforts are directed towards educational, interpretive, and wildlife oriented public recreation programs. The intent is to promote awareness and enjoyment of the refuge. Improved interpretive and educational opportunities will increase the awareness of refuge visitors about wildlife and habitat issues. However, habitat degradation and wildlife disturbance will result from increased public access to Toms Cove Hook, the White Hills, and northern refuge areas, possibly reducing wildlife presence and reproduction. These actions may, in turn, reduce the quality of wildlife oriented public use experiences.

Other Government agencies and members of the general public contributed to the planning and evaluation of the proposal and to the preparation of this EIS. The notice of Intent to prepare this EIS was published in the March 2, 1985 **Federal Register.** Public involvement in the Chincoteague NWR master planning process has taken many forms in an effort to obtain meaningful input from various interests, including the following major scoping initiatives:

Scoping letters issued to initiate or update the progress of the plan and to urge public participation sent to 1,000–1,300 individuals or groups, April and September, 1985.

Public scoping meeting, Chincoteague Fire Hall, June 4, 1985 with over 150 people attending.

Regular occurring meetings with the following attending most meetings: Congressman Bateman's Aide, Officials of both the Accomack County and Town of Chincoteague governments, officers and members of the Chincoteague Chamber of Commerce, Assateague Island National Seashore (AINS) Superintendent and Chincoteague NWR Refuge Manager, 1988 through 1990.

Meeting with Chincoteague Refuge Manager and representatives of the Wilderness Society, Committee to Preserve Assateague Island, Inc., National Wildlife Refuge Association, National Audubon Society, Audubon Naturalist Society of the Mid-Atlantic States, Defenders of Wildlife, Sierra Club, Environmental Defense Fund, and National Parks and Conservation Association, October 1989.

Meetings with Chincoteague Refuge Manager, Seashore Superintendent, and representatives of Accomack County, Town of Chincoteague, Chincoteague Chamber of Commerce, The Wilderness Society, Committee to Preserve Assateague Island, Inc., National Wildlife Refuge Association, National Audubon Society, Audubon Naturalist Society of the Mid-Atlantic States, Defenders of Wildlife, Sierra Club, Environmental Defense Fund, National Parks and Conservation Association, and Izaak Walton League of America, December 1989 and April, May, July, and November 1990. (Note: At the five meetings, various of the groups mentioned were represented.)

Master Planning Bulletins/letters to present update on process and urge public participation sent to 200–300 individuals, groups and agencies, October 1990 and January, July, and November, 1991.

Public scoping meeting, Chincoteague Fire House, in attendance were over 60 people including Congressman Bateman's Aide, members of the public and representatives of FWS, NPS, Town of Chincoteague, Assateague Island Mobile Sport Fisherman Association, Wicomico Environmental Trust, Wicomico Bird Club, Worcester Environmental Trust, AJ's Restaurant, Salisbury ZOO, Corner Book Store, and Eastern Shore of Virginia Angler's Club, November 27, 1990.

The draft EIS for the Master Plan was sent to over 600 agencies, organizations, and individuals in January 1992. Public meetings on the draft were held in Baltimore, MD and Chincoteague, VA in March 1992 with 54 and 49 people attending, respectively. The public comment period on the draft ended May 1 with approximately 60 people submitting comments.

All agencies and individuals are urged to provide comments and suggestions for improving this EIS as soon as possible. All comments received by the dates given above will be considered in preparation of the final EIS for this proposed action.

The FWS has determined that this document does not contain a major proposal requiring preparation of an economic impact analysis under Executive Order E.O. 11821 as amended by E.O. 11949 and OMB Circular A–107.

Dated: August 27, 1992.

Curtis A. Laffin,

Chief, Technical Services, Refuges and Wildlife.

[FR Doc. 92–21089 Filed 9–1–92; 8:45 am]

BILLING CODE 4310–55–M

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731-TA-621 (Preliminary)]

Certain Compact Ductile Iron Waterworks Fittings and Accessories Thereof From the People's Republic of China

Determination

On the basis of the record [1] developed in the subject investigation, the Commission unanimously determines,[2] pursuant to section 733(a) of the Tariff Act of 1930 (19 U.S.C. 1673b(a)), that there is a reasonable indication that industries in the United States are materially injured by reason of imports from the People's Republic of China of compact ductile iron waterworks fittings and accessories thereof,[3] provided for in subheadings 7307.19.30, 73.18.15.20, 4016.93.00, and 7307.19.90 of the Harmonized Tariff Schedule of the United States, that are alleged to be sold in the United States at less than fair value (LTFV).

Background

On July 8, 1992, a petition was filed with the Commission and the Department of Commerce by The U.S. Waterworks Fittings Producers Council and its individual members, Clow Water Systems, Tyler Pipe Industries, Inc., and Union Foundry Co., alleging that an industry in the United States is materially injured and threatened with material injury by reason of LTFV imports of compact ductile iron waterworks fittings and accessories thereof from the People's Republic of China. Accordingly, effective July 8, 1992, the Commission instituted antidumping investigation No. 731-TA-621 (Preliminary).

Notice of the institution of the Commission's investigation and of a public conference to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** of July 15, 1992 (57 FR 31384). The conference was held in Washington, DC, on July 29, 1992, and all persons who requested the opportunity were permitted to appear in person or by counsel.

Issued: August 25, 1992.

By Order of the Commission.

Paul R. Bardos,

Acting Secretary.

[FR Doc. 92-21109 Filed 9-1-92; 8:45 am]

BILLING CODE 7020-02-M

[1] The record is defined in § 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(f)).

[2] Vice Chairman Peter S. Watson did not participate.

[3] As defined by Commerce, the products covered by this investigation are (1) certain compact ductile iron waterworks (CDIW) fittings of 3 to 16 inches nominal diameter regardless of shape, including bends, tees, crosses, wyes, reducers, adapters, and other shapes, whether or not cement lined, and whether or not covered with bitumen or similar substance, conforming to AWWA/ANSI specification C153/A21.53, and rated for water working pressure of 350 PSI; and (2) certain CDIW fittings accessories which typically consist of a standard ductile iron gland, a styrene butadiene rubber (SBR) gasket, the requisite number of Cor-Ten steel or ductile iron T-head bolts, and hexagonal nuts, whether sold separately or together in kits (also called accessory packs), for fittings in sizes 3 to 16 inches, conforming to AWWA/ANSI specification C111/A21.11, and rated for water working pressure of 350 PSI.

The types of CDIW fittings covered by this investigation are compact ductile iron mechanical joint waterworks fittings and compact ductile iron push-on joint waterworks fittings, both of which are used for the same applications." Nonmalleable cast iron fittings and full-bodied ductile fittings are specifically excluded from the scope of Commerce's investigation.

[Investigation No. 701-TA-318 (Final)]

Sulfanilic Acid From India

AGENCY: United States International Trade Commission.

ACTION: Institution of a final countervailing duty investigation.

SUMMARY: The Commission hereby gives notice of the institution of final countervailing duty investigation No. 701-TA-318 (Final) under section 705(b) of the Tariff Act of 1930 (19 U.S.C. 1671(d)) (the Act) to determine whether an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports from India of sulfanilic acid and sodium sulfanilate,[1] provided for in subheadings 2921.42.24 and 2921.42.70 of the Harmonized Tariff Schedule of the United States (HTS), that are alleged to be subsidized by the Government of India.

Pursuant to a request from petitioner under section 705(a)(1) of the Act (19 U.S.C. 1671d(a)(1)), Commerce has extended the date for its final determination to coincide with that to be made in the ongoing antidumping investigation on sulfanilic acid from India. Accordingly, the Commission will not establish a schedule for the conduct of the countervailing duty investigation until Commerce makes a preliminary determination in the antidumping investigation (currently scheduled for October 15, 1992).

For further information concerning the conduct of this investigation, hearing procedures, and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A through E (19 CFR part 201), and part 207, subparts A and C (19 CFR part 207).

EFFECTIVE DATE: August 18, 1992.

FOR FURTHER INFORMATION CONTACT: Robert Carpenter (202-205-3172), Office of Investigations, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202-205-1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202-205-2000.

SUPPLEMENTARY INFORMATION:

Background

This investigation is being instituted as a result of an affirmative preliminary determination by the Department of Commerce that certain benefits which constitute subsidies within the meaning of section 703 of the Act (19 U.S.C. 1671b) are being provided to manufacturers, producers, or exporters in India of sulfanilic acid. The investigation was requested in a petition filed on May 8, 1992, by R-M Industries, Inc., Fort Mill, SC.

Participation in the Investigation and Public Service List

Persons wishing to participate in the investigation as parties must file an entry of appearance with the Secretary to the Commission, as provided in section 201.11 of the Commission's rules, not later than twenty-one (21) days after publication of this notice in the **Federal Register**. The Secretary will prepare a public service list containing the names and addresses of all persons, or their representatives, who are parties to this investigation upon the expiration of the period for filing entries of appearance.

Limited Disclosure of Business Proprietary Information (BPI) under an Administrative Protective Order (APO) and BPI Service List

Pursuant to section 207.7(a) of the Commission's rules, the Secretary will make BPI gathered in this final

[1] The products covered by this investigation are all grades of sulfanilic acid, which include technical (or crude) sulfanilic acid, refined (or purified) sulfanilic acid, and sodium salt of sulfanilic acid (sodium sulfanilate).

investigation available to authorized applicants under the APO issued in the investigation, provided that the application is made not later than twenty-one (21) days after the publication of this notice in the Federal Register. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

Authority: This investigation is being conducted under authority of the Tariff Act of 1930, title VII. This notice is published pursuant to section 207.20 of the Commission's rules.

Issued: August 26, 1992.

By order of the Commission.

Paul R. Bardos,

Acting Secretary.

[FR Doc. 92-21108 Filed 9-1-92; 8:45 am]

BILLING CODE 7020-02-M

INTERSTATE COMMERCE COMMISSION

[Finance Docket No. 32138]

Southrail Corp.—Trackage Rights Exemption—CSX Transportation, Inc.

CSX Transportation, Inc. (CSXT), has agreed to grant overhead trackage rights to SouthRail Corporation over approximately 44 miles of CSXT's Huntsville No. 1 Line and North Branch Main Track, between milepost 429.2 at Brookwood, AL, and milepost 384.8 at Boyles Yard, Birmingham, AL. The exemption became effective on August 27, 1992, and the parties intend to consummate the transaction on or about August 31, 1991.

This notice is filed under 49 CFR 1180.2(d)(7). Petitions to revoke the exemption under 49 U.S.C. 10505(d) may be filed at any time. The filing of a petition to revoke will not stay the transaction. Pleadings must be filed with the Commission and served on: Laurence R. Latourette, 1735 New York Ave. NW., Suite 500, Washington, DC 20006.

As a condition to the use of this exemption, any employees adversely affected by the trackage rights will be protected pursuant to *Norfolk and Western Ry. Co.—Trackage Rights—BN*, 354 I.C.C. 605 (1978), as modified in *Mendocino Coast Ry., Inc.—Lease and Operate*, 360 I.C.C. 653 (1980).

Dated: August 27, 1992.

By the Commission, David M. Konschnik, Director, Office of Proceedings.

Anne K. Quinlan,

Acting Secretary.

[FR Doc. 92-21110 Filed 9-1-92; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 32141]

Wheeling & Lake Erie Railway Company—Trackage Rights Exemption—CSX Transportation, Inc.

CSX Transportation, Inc. (CSXT), has agreed to grant local and overhead trackage rights to Wheeling & Lake Erie Railway Company (Wheeling) between valuation station 394+16 at Martins Ferry, Belmont County, OH, and valuation station 1+84, at Benwood, Marshall County, WV, a distance of approximately 8.4-miles. The exemption will be effective on August 26, 1992, and the parties intend to consummate the transaction on or after that date.

This notice is filed under 49 CFR 1180.2(d)(7). Petitions to revoke the exemption under 49 U.S.C. 10505(d) may be filed at any time. The filing of a petition to revoke will not stay the transaction. Pleadings must be filed with the Commission and served on: Kevin M. Sheys, 1020 Nineteenth Street, NW., suite 400, Washington, DC 20036.

As a condition to the use of this exemption, any employees adversely affected by the trackage rights will be protected under *Norfolk and Western Ry. Co—Trackage Rights—BN*, 354 I.C.C. 605 (1978), as modified in *Mendocino Coast Ry., Inc.—Lease and Operate*, 360 I.C.C. 653 (1980).

Dated: August 27, 1992.

By the Commission, David M. Konschnik, Director, Office of Proceedings.

Anne K. Quinlan,

Acting Secretary.

[FR Doc. 92-21111 Filed 9-1-92; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Federal Bureau of Investigation

Placement of FOIPA Reference Manual in Reading Room

AGENCY: Federal Bureau of Investigation, DOJ.

ACTION: Notice.

SUMMARY: The Federal Bureau of Investigation (FBI) is announcing that, pursuant to subsection (a)(2) of the Freedom of Information Act, 5 U.S.C. Section 552(a)(2), the FBI has made available for public inspection and copying in its Reading Room the current edition of the FBI's Freedom of Information and Privacy Acts (FOIPA) Reference Manual. A copy of the FOIPA Reference Manual may be obtained for the cost of duplication by writing to FBI Headquarters, JEH Building, FOIA Reading Room, 9th Street and Pennsylvania Avenue, NW., Washington, DC 20535. Access to the Reading Room is by appointment 48 hours in advance by contacting (202) 324-3386.

FOR FURTHER INFORMATION CONTACT: J. Kevin O'Brien, Chief, FOIPA Section, Information Management Division, FBI, JEH Building, 9th Street and Pennsylvania Avenue, NW., Washington, DC 20535, 202-324-5520.

Dated: August 20, 1992.

J. Kevin O'Brien,

Chief, FOIPA Section, Information Management Division, FBI.

[FR Doc. 92-21087 Filed 9-1-92; 8:45 am]

BILLING CODE 4410-02-M

Uniform Crime Reporting (UCR); Data Providers' Advisory Policy Board (APB); Meeting

The UCR APB will meet on September 25 and 26, 1992, from 9 a.m. until close of business each day at the Holiday Inn, 300 Woodbury Avenue, Portsmouth, New Hampshire.

Major topics to be considered: (1) FBI and Department of Justice reorganization matters; (2) Hate Crime Data Collection; (3) Progress of NIBRS in the States; and (4) Cost of NIBRS implementation at the local level.

The meeting will be open to the public with approximately 25 seats available on a first-come, first-served basis. Any member of the public may file a written statement with the APB before or after the meeting. Anyone wishing to address a session of the meeting should notify the Committee Management Liaison Officer, FBI, at least 24 hours prior to the start of the session. The notification may be by mail, telegram, cable, or hand-delivered note. It should contain their name, corporate or Government designation, and consumer affiliation, along with the capsulized version of the statement and an outline of the material to be offered. A person will be allowed not more than 15 minutes to present a topic, except with the special approval of the Chairperson of the Board.

Inquires may be addressed to Mr. J. Harper Wilson, Committee Management Liaison Officer, Criminal Justice Information Services Division, Federal Bureau of Investigation, Washington, DC 20535, telephone number (202) 324-2614.

Dated: August 24, 1992.

William S. Sessions,

Director.

[FR Doc. 92-21057 Filed 9-1-92; 8:45 am]

BILLING CODE 4410-02-M

National Institute of Corrections

Advisory Board Meeting

Time and Date: 8 a.m., Tuesday, October 6, 1992.

Place: The Copley Plaza Hotel, 138 St. James Avenue, Boston, Massachusetts.

Status: Open.

Matters to be Considered: An update on the Intensive Correctional Leadership Training Program, a progress report on the Corrections Options Incentive Act, the Corrections Telecommunications Systems, foreign technical assistance, the mental health services policies, and a review of the proposal for a NIC annual Corrections Report.

Contact Person for More Information: Larry Solomon Deputy Director, (202) 307–3106.

M. Wayne Huggins,

Director.

[FR Doc. 92–21043 Filed 9–1–92; 8:45 am]

BILLING CODE 4410–36–M

NATIONAL SPACE COUNCIL

Vice President's Space Policy Advisory Board; Establishment of the National Space Policy Assessment Task Group

AGENCY: National Space Council.

ACTION: Notice of task group establishment.

SUMMARY: The National Space Policy Assessment Task Group of the Vice President's Space Policy Advisory Board is being established.

FOR FURTHER INFORMATION CONTACT: Stephen Hopkins, (703) 685–3307 or James R. Beale, National Space Council, Executive Office of the President, Washington, DC, (202) 395–6175.

SUPPLEMENTARY INFORMATION: The Vice President has determined that the establishment of a task group of the Vice President's Space Policy Advisory Board is necessary and in the public interest in connection with the performance of duties assigned by Executive Order 12675 of April 20, 1989 (3 CFR, 1989 Comp., p218). The National Space Policy Assessment Task Group will conduct a broad review of current U.S. national space policies in the context of the end of the Cold War and other factors. It will make policy recommendations which would have the affect of increasing the efficiency of Federal government space activities to enable the best space program possible for the funds available; maintaining U.S. leadership and competitiveness for the 21st century; and, maintaining an industrial base capable of supporting future national security, civil, and commercial space requirements. The National Space Policy Review Task Group shall be composed of between 8 and 12 individuals drawn from the members of the Vice President's Space Policy Advisory Board. As the Vice President's Space Policy Advisory Board represents a balanced membership of diverse backgrounds and experiences, so too will this task group.

James R. Beale,

Committee Action Officer.

[FR Doc. 92–21103 Filed 9–1–92; 8:45 am]

BILLING CODE 3128–01–M

NATIONAL SCIENCE FOUNDATION

Special Emphasis Panel in Biological and Critical Systems; Meetings

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation (NSF) announces the following meetings.

Date & Time: September 9 & 10, 1992; 8:30 a.m. to 5 p.m.

Place: Room 1133, NSF, 1800 G Street NW., Washington, DC.

Contact Person: Edward H. Bryan, Program Director, Division of Biological and Critical Systems, Rm. 1132, National Science Foundation, 1800 G St. NW., Washington, DC 20550. Telephone: (202) 357–7737.

Date & Time: September 15, 1992; 8:30 a.m. to 5 p.m.

Place: Room 543, NSF, 1800 G Street NW., Washington, DC.

Contact Person: Norman Caplan, Program Director, Division of Biological and Critical Systems, National Science Foundation, 1800 G St. NW., Washington, DC 20550. Telephone: (202) 357–7737.

Type of Meetings: Closed.

Purpose of Meetings: To provide advice and recommendations concerning support for research proposals submitted to the NSF for financial support.

Agenda: To review and evaluate Small Business Innovation Research (SBIR) proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c) (4) and (6) of the Government in the Sunshine Act.

Reason for Late Notice: Difficulty arranging for a suitable meeting time for the full committee.

Dated: August 27, 1992.

Modestine Rogers,

Acting Committee Management Officer.

[FR Doc. 92–21073 Filed 9–1–92; 8:45 am]

BILLING CODE 7555–01–M

Special Emphasis Panel in Electrical and Communications Systems; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended) the National Science Foundation announces the following meeting:

Date and Time: September 18, 1992; 8 a.m. to 5 p.m.

Place: Room 500–A, 1110 Vermont Avenue NW., Washington, DC.

Type of Meeting: Closed.

Contact Person: Dr. Lawrence S. Goldberg, Program Director, Division of Electrical and Communications Systems, room 1151, National Science Foundation, 1800 G Street NW., Washington, DC. Telephone (202) 357–9618.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate Small Business Innovation Research proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: August 27, 1992.

Modestine Rogers,

Acting Committee Management Officer.

[FR Doc. 92–21074 Filed 9–1–92; 8:45 am]

BILLING CODE 7555–01–M

Special Emphasis Panel in Integrative Biology and Neuroscience; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting.

Date and Time: September 25, 1992, 8:30 a.m. to 5 p.m.

Place: Room 543, National Science Foundation, 1800 G Street, NW., Washington, DC.

Type of Meeting: Closed.

Contact Person: Barbara Zain, Program Director, IBN, room 321, National Science Foundation, 1800 G St.

NW., Washington, DC 20550. Telephone: (202) 357–7975.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate Small Business Innovation Research proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: August 28, 1992.

Modestine Rogers,

Acting Committee Management Officer.

[FR Doc. 92–21146 Filed 9–1–92; 8:45 am]

BILLING CODE 7555–01–M

Notice of Workshop

The National Science Foundation (NSF) will hold a planning session on September 17, 1992 to prepare for a two-day workshop on Teacher Preparation on November 5 and 6, 1992. The Planning Session will take place at The Vista Hotel, 1400 M Street, NW., Washington, DC 20005.[1]

The goal of the workshop will be to provide a forum for science, engineering, and mathematics faculty to share ideas and experience concerning effective ways of improving the undergraduate education of science and mathematics teachers; to encourage faculty in sciences disciplines to share responsibility with Education School faculty in addressing the needs of students considering careers in teaching and to alert academic communities to NSF's programs that support efforts to improve the undergraduate education of mathematics and science teachers.

The planning committee will not operate as an advisory committee. It will be open to the public. Participants will include approximately 12 national leaders in mathematics and science education.

For additional information, contact Dr. William Haver, Program Director, 1800 G Street, NW., room 1210, Washington, DC 20550 (202) 357–7892.

[1] The planning session and workshop will be held from 8:30 a.m. to 5 p.m.

Dated: August 7, 1992.

Robert F. Watson,

Division Director, Undergraduate Education.

[FR Doc. 92–21072 Filed 9–1–92; 8:45 am]

BILLING CODE 7555–01–M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards; Subcommittee on Advanced Boiling Water Reactors; Meeting

The ACRS Subcommittee on Advanced Boiling Water Reactors will hold a meeting on September 23–24, 1992, room P–110, 7920 Norfolk Avenue, Bethesda, MD.

The entire meeting will be open to public attendance, with the exception of a portion that may be closed to discuss information deemed proprietary to General Electric Nuclear Energy (GE) pursuant to 5 U.S.C. 552b(c)(4).

The agenda for the subject meeting shall be as follows:

Wednesday, September 23, 1992—8:30 a.m. Until the Conclusion of Business

Thursday, September 24, 1992—8:30 a.m. Until the Conclusion of Business

The Subcommittee will begin its review of the Final Safety Evaluation Report (FSER) for the GE Advanced Boiling Water Reactor (ABWR) design, certain other GE and staff licensing documents, and the remainder of the Standard Safety Analysis Report (SSAR) submittals.

Oral statements may be presented by members of the public with the concurrence of the Subcommittee Chairman; written statements will be accepted and made available to the Committee. Recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and staff. Persons desiring to make oral statements should notify the ACRS staff member named below as far in advance as is practicable so that appropriate arrangements can be made.

During the initial portion of the meeting, the subcommittee, along with any of its consultants who may be present, may exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC staff, GE, their consultants, and other interested persons regarding this review.

Further information regarding topics to be discussed, the scheduling of sessions open to the public, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant ACRS staff engineer, Mr. Elpidio Igne (telephone 301/492–8192) between 7:30 a.m. and 4:15 p.m. (EST). Persons planning to attend this meeting are urged to contact the above named individual one or two days before the scheduled meeting to be advised of any changes in schedule, etc., that may have occurred.

Dated: August 26, 1992.

Sam Duraiswamy,

Chief, Nuclear Reactors Branch.

[FR Doc. 92–21124 Filed 9–1–92; 8:45 am]

BILLING CODE 7590–01–M

Advisory Committee on Reactor Safeguards; Joint Meeting of the Subcommittees on Thermal Hydraulic Phenomena and Core Performance; Meeting

The ACRS Subcommittees on Thermal Hydraulic Phenomena and Core Performance will hold a joint meeting on September 15, 1992, room P–110, 7920 Norfolk Avenue, Besthesda, MD.

The entire meeting will be open to public attendance, with the exception of a portion that may be closed to discuss information deemed proprietary to General Electric Nuclear Energy (GE) pursuant to 5 U.S.C. 552b(c)(4).

The agenda for the subject meeting shall be as follows:

Tuesday, September 15, 1992—8:30 a.m. Until the Conclusion of Business

The Subcommittees will continue their review of the issues pertaining to boiling water reactor (BWR) core power stability.

Oral statements may be presented by members of the public with the concurrence of the Subcommittee Chairmen; written statements will be accepted and made available to the Committee. Recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittees, their consultants, and staff. Persons desiring to make oral statements should notify the ACRS staff member named below as far in advance as is practicable so that appropriate arrangements can be made.

During the initial portion of the meeting, the Subcommittees, along with

any of their consultants who may be present, may exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittees will then hear presentations by and hold discussions with representatives of the NRC staff, GE, the BWR Owners Group, their consultants, and other interested persons regarding this review.

Further information regarding topics to be discussed, the scheduling of sessions open to the public, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant ACRS staff engineer, Mr. Paul Boehnert (telephone 301/492–8558) between 7:30 a.m. and 4:15 p.m. (EST). Persons planning to attend this meeting are urged to contact the above named individual one or two days before the scheduled meeting to be advised of any changes in schedule, etc., that may have occurred.

Dated: August 25, 1992.

Sam Duraiswamy,

Chief, Nuclear Reactors Branch.

[FR Doc. 92–21126 Filed 9–1–92; 8:45 am]

BILLING CODE 7590–01–M

Advisory Committee on Reactor Safeguards; Joint Meeting of the Subcommittees on Plant License Renewal/Reliability and Quality; Meeting

The ACRS Subcommittees on Plant License Renewal and Reliability and Quality will hold a joint meeting on September 16, 1992, room P–110, 7920 Norfolk Avenue, Bethesda, MD.

The entire meeting will be open to public attendance.

The agenda for the subject meeting shall be as follows:

Wednesday, September 16, 1992—8:30 a.m. Until 12 Noon

The Subcommittees will review the proposed Branch Technical Position on Equipment Qualification for Plant License Renewal.

Oral statements may be presented by members of the public with the concurrence of the Subcommittee Chairmen; written statements will be accepted and made available to the Committee. Recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittees, their consultants, and staff. Persons desiring to make oral statements should notify the ACRS staff member named below as far in advance as is practicable so that appropriate arrangements can be made.

During the initial portions of the meeting, the Subcommittees, along with any of their consultants who may be present, may exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittees will then hear presentations by and hold discussions with representatives of the NRC staff, nuclear industry, their consultants, and other interested persons regarding this review.

Further information regarding topics to be discussed, the scheduling of sessions open to the public, whether the meeting has been canceled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant ACRS staff engineer, Mr. Elpidio Igne (telephone 301/492–8192) between 7:30 a.m. and 4:15 p.m. (EST). Persons planning to attend this meeting are urged to contact the above named individual one or two days before the scheduled meeting to be advised of any changes in schedule, etc., that may have occurred.

Dated: August 25, 1992.

Sam Duraiswamy,

Chief, Nuclear Reactors Branch.

[FR Doc. 92–21127 Filed 9–1–92; 8:45 am]

BILLING CODE 7590–01–M

Advisory Committee on Reactor Safeguards; Subcommittee on Computers in Nuclear Power Plant Operations; Meeting

The ACRS Subcommittee on Computers in Nuclear Power Plant Operations will hold a meeting on September 22, 1992, room P–110, 7920 Norfolk Avenue, Bethesda, MD.

The entire meeting will be open to public attendance, with the exception of a portion that may be closed to discuss foreign proprietary information pursuant to 5 U.S.C. 552b(c)(4).

The agenda for the subject meeting shall be as follows:

Tuesday, September 22, 1992—8:30 a.m. Until the Conclusion of Business

The Subcommittee will host a special international meeting to hear from and discuss with the manufacturers in Germany, France, Japan, U.K., Sweden, and Canada about advanced developments in digital Instrumentation and Control (I&C) systems. National experts will discuss software design concepts including safety, reliability, fault-tolerance, formal methods, and verification and validation.

Oral statements may be presented by members of the public with the concurrence of the Subcommittee Chairman; written statements will be accepted and made available to the Committee. Recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and staff. Persons desiring to make oral statements should notify the ACRS staff member named below as far in advance as is practicable so that appropriate arrangements can be made.

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, may exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations from national experts in industry and government and from the NRC staff and its consultants.

Further information regarding topics to be discussed, the scheduling of sessions open to the public, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefore can be obtained by a prepaid telephone call to the cognizant ACRS staff engineer, Mr. Douglas Coe (telephone 301/492–8972) between 7:30 a.m. and 4:15 p.m. (EST). Persons planning to attend this meeting are urged to contact the above named individual one or two days before the scheduled meeting to be advised of any changes in schedule, etc., that may have occurred.

Dated: August 26, 1992.

Sam Duraiswamy,

Chief, Nuclear Reactors Branch.

[FR Doc. 92–21125 Filed 9–1–92; 8:45 am]

BILLING CODE 7590–01–M

Advisory Committee on Reactor Safeguards; Subcommittee on Computers in Nuclear Power Plant Operations; Meeting

The ACRS Subcommittee on Computers in Nuclear Power Plant Operations will hold a meeting on September 8, 1992, room P–110, 7920 Norfolk Avenue, Bethesda, MD.

The entire meeting will be open to public attendance, with the exception of a portion that may be closed to discuss proprietary information pursuant to 5 U.S.C. 552b(c)(4).

The agenda for the subject meeting shall be as follows:

Tuesday, September 8, 1992—1:30 p.m. Until the Conclusion of Business

The Subcommittee will discuss digital instrumentation and control system design issues for advanced light water reactor (ALWR) designs, including defense against common mode failures.

Oral statements may be presented by members of the public with the concurrence of the Subcommittee Chairman; written statements will be accepted and made available to the Committee. Recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and staff. Persons desiring to make oral statements should notify the ACRS staff member named below as far in advance as is practicable so that appropriate arrangements can be made.

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, may exchange preliminary views regrading matters to be considered during the balance of the meeting.

The Subcommittee will hear presentations from the NRC staff and its consultants, and the industry as appropriate.

Further information regarding topics to be discussed, the scheduling of sessions open to the public, whether the meeting has been canceled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant ACRS staff engineer, Mr. Douglas Coe (telephone 301/492–8972) between 7:30 a.m. and 4:15 p.m. (e.s.t.). Persons planning to attend this meeting are urged to contact the above named individual one or two days before the scheduled meeting to be advised of any changes in schedule, etc., that may have occurred.

Dated: August 27, 1992.

Sam Duraiswamy,

Chief, Nuclear Reactors Branch.

[FR Doc. 92–21150 Filed 9–1–92; 8:45 am]

BILLING CODE 7590–01–M

Advisory Committee on Reactor Safeguards; Subcommittee on Improved Light Water Reactors; Meeting

The ACRS Subcommittee on Improved Light Water Reactors will hold a meeting on September 9, 1992, in room P–110, 7920 Norfolk Avenue, Bethesda, MD.

The entire meeting will be open to public attendance.

The agenda for the subject meeting shall be as follows:

Wednesday, September 9, 1992—3 p.m. Until 6 p.m.

The Subcommittee will review additional policy issues identified in the draft Commission paper, "Design Certification and Licensing Policy Issues Pertaining to Passive and Evolutionary Advanced Light Water Reactor Designs," dated June 25, 1992.

Oral statements may be presented by members of the public with the concurrence of the Subcommittee Chairman; written statements will be accepted and made available to the Committee. Recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and staff. Persons desiring to make oral statements should notify the ACRS staff member named below as far in advance as is practicable so that appropriate arrangements can be made.

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, may exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC staff, their consultants, and other interested persons regarding this review.

Further information regarding topics to be discussed, the scheduling of sessions open to the public, whether the meeting has been canceled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant ACRS staff engineer, Mr. Elpidio G. Igne (telephone 301/492–8192) between 7:30 a.m. and 4:15 p.m. (EST). Persons planning to attend this meeting are urged to contact the above named individual one or two days before the scheduled meeting to be advised of any changes in schedule, etc., that may have occurred.

Dated: August 26, 1992.

Sam Duraiswamy,

Chief, Nuclear Reactors Branch.

[FR Doc. 92–21151 Filed 9–1–92; 8:45 am]

BILLING CODE 7590–01–M

Biweekly Notice

Applications and Amendments to Operating Licenses Involving No Significant Hazards Considerations

I. Background

Pursuant to Public Law (P.L.) 97-415, the Nuclear Regulatory Commission (the Commission or NRC staff) is publishing this regular biweekly notice. P.L. 97-415 revised section 189 of the Atomic Energy Act of 1954, as amended (the Act), to require the Commission to publish notice of any amendments issued, or proposed to be issued, under a new provision of section 189 of the Act. This provision grants the Commission the authority to issue and make immediately effective any amendment to an operating license upon a determination by the Commission that such amendment involves no significant hazards consideration, notwithstanding the pendency before the Commission of a request for a hearing from any person.

This biweekly notice includes all notices of amendments issued, or proposed to be issued from August 10, 1992 through August 21, 1992. The last biweekly notice was published on August 19, 1992 (57 FR 37558).

Notice Of Consideration Of Issuance Of Amendment To Facility Operating License and Proposed No Significant Hazards Consideration Determination and Opportunity For Hearing

The Commission has made a proposed determination that the following amendment requests involve no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendments would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. The basis for this proposed determination for each amendment request is shown below.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final

determination. The Commission will not normally make a final determination unless it receives a request for a hearing.

Written comments may be submitted by mail to the Rules and Directives Review Branch, Division of Freedom of Information and Publications Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and should cite the publication date and page number of this **Federal Register** notice. Written comments may also be delivered to Room P-223, Phillips Building, 7920 Norfolk Avenue, Bethesda, Maryland from 7:30 a.m. to 4:15 p.m. Federal workdays. Copies of written comments received may be examined at the NRC Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555. The filing of requests for hearing and petitions for leave to intervene is discussed below.

By October 2, 1992, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. Interested persons should consult a current copy of 10 CFR 2.714 which is available at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555 and at the local public document room for the particular facility involved. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) the nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment request involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received before action is taken. Should the Commission take this action, it will publish in the **Federal Register** a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Services Branch, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington DC 20555, by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at 1-(800) 325-6000 (in Missouri 1-(800) 342-6700). The Western Union operator should be given Datagram Identification Number N1023 and the following message addressed to (Project Director): petitioner's name and telephone number, date petition was mailed, plant name, and publication date and page number of this **Federal Register** notice. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to the attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests

for hearing will not be entertained absent a determination by the Commission, the presiding officer or the Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of factors specified in 10 CFR 2.714(a)(1)(i)-(v) and 2.714(d).

For further details with respect to this action, see the application for amendment which is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555, and at the local public document room for the particular facility involved.

Baltimore Gas and Electric Company, Docket Nos. 50-317 and 50-318, Calvert Cliffs Nuclear Power Plant, Unit Nos. 1 and 2, Calvert County, Maryland

Date of amendments request: August 13, 1992

Description of amendments request: The amendments would revise the implementation schedule for license Amendment Nos. 166 and 146 for the Calvert Cliffs Nuclear Power Plant, Units 1 and 2, respectively. These license amendments were issued on January 17, 1992, and were to be implemented when the spent fuel cask handling crane modifications were completed prior to July 31, 1992. By letter dated July 28, 1992, the licensee indicated that the installation of the crane and implementation of the license amendments would not be complete until late 1992. The licensee requested that the implementation date be revised in its August 13, 1992, letter. The installation of the crane was delayed due to changes in the Unit 1 refueling outage schedule and the identification of additional engineering required to support the installation of the crane. Specifically, the request is to revise the implementation date for the amendments to no later than December 31, 1992.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Would not involve a significant increase in the probability or consequences of an accident previously evaluated.

This change is administrative. No changes will be made to the Calvert Cliffs Technical Specifications until the Single-Failure-Proof crane is installed and the approved license amendment subsequently implemented. The requested delay in implementation date results in no changes in plant equipment or operation.

Therefore, the proposed change will not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Would not create the possibility of a new or difference type of accident from any accident previously evaluated.

This change is administrative. No changes will be made to the Calvert Cliffs Technical Specifications until the Single-Failure-Proof crane is installed and the approved license amendment subsequently implemented. The requested delay in implementation date results in no changes in plant equipment or operation.

Therefore, this change would not create the possibility of a new or different type of accident from any previously evaluated.

3. Would not involve a significant reduction in a margin of safety.

This change is administrative. No changes will be made to the Calvert Cliffs Technical Specifications until the Single-Failure-Proof crane is installed and the approved license amendment subsequently implemented. The requested delay in implementation date results in no changes in plant equipment or operation.

Therefore, this change would not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendments request involves no significant hazards consideration. Local Public Document Room location: Calvert County Library, Prince Frederick, Maryland 20678.

Attorney for licensee: Jay E. Silbert, Esquire, Shaw, Pittman, Potts and Trowbridge, 2300 N Street, NW., Washington, DC 20037.

NRC Project Director: Robert A. Capra

Carolina Power & Light Company, Docket No. 50-261, H. B. Robinson Steam Electric Plant, Unit No. 2, Darlington County, South Carolina

Date of amendment request: June 18, 1992

Description of amendment request: The proposed Technical Specification (TS) changes would add Limiting Conditions for Operations (LCO) and Surveillance Requirements for the pressurizer power-operated relief valves (PORVs) and their associated block valves whenever Tavg is above 350 degrees F or the reactor is critical. Specifications will also be added for the low-temperature overpressure protection (LTOP) whenever Tavg is less than 350 degrees F and the reactor coolant system (RCS) is not vented to the containment.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. The proposed amendment does not involve a significant increase in the probability or consequences of an accident previously evaluated. No equipment modifications are required for implementation of these changes. The proposed TSs increase the availability and reliability of the PORVs and Block Valves for their intended function. This enhanced availability and reliability would not create a significant increase in the probability or consequences of accidents previously evaluated.

2. The proposed amendment does not create the possibility of a new or different kind of accident from any accident previously evaluated. As noted above, the requested changes do not involve any physicalchanges to the plant. The proposed changes would tend to increase the availability and reliability of the PORVs and Block Valves. With no physical changes being made to the PORV and Block Valve equipment and enhanced surveillance and maintenance requirements being employed, the proposed amendment would not create the possibility of a new or different accident from any accident previously evaluated.

3. The proposed amendment does not involve a significant reduction in the margin of safety. The proposed amendment will result in improved availability due to reduced allowed out of service times, enhanced reliability due to improved/additional surveillance requirements and programs, and enhanced attention to the safety-related aspects of PORV and associated Block Valve operations which would not involve a significant reduction in the margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Hartsville Memorial Library, Home and Fifth Avenues, Hartsville, South Carolina 29535

Attorney for licensee: R. E. Jones, General Counsel, Carolina Power & Light Company, P. O. Box 1551, Raleigh, North Carolina 27602 NRC Project Director: Elinor G. Adensam

Commonwealth Edison Company, Docket Nos. STN 50-454 and STN 50-455, Byron Station, Unit Nos. 1 and 2, Ogle County, IllinoisDocket Nos. STN 50-456 and STN 50-457, Braidwood Station, Unit Nos. 1 and 2, Will County, Illinois

Date of amendment request: July 28, 1992

Description of amendment request: The proposed amendment would revise the technical specifications to reflect

changes to the current Boron Dilution Analyses.

The licensee has requested that the proposed changes be approved as soon as possible to implement the revised analyses into the functional requirements of the Boron Dilution Protection System. Currently the licensee has implemented procedural controls to provide adequate systems margins reflecting the revised analyses.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

This amendment will not result in an increase of the probability of occurrence of an accident. The initiating event of an inadvertent dilution is the failure of a component or operator error which results in the decrease of the boron concentration in the reactor coolant system. This amendment does not increase that probability. Isolation of dilution flowpaths is required when automatic protection is not available. This isolation requirement reduces the probability of a dilution.

The amendment will not result in an increase of the consequences of an accident. Analysis has demonstrated that the automatic protection provided by BDPS prevents the reactor from achieving criticality due to an inadvertent dilution. Fuel damage and pressure boundary failure is precluded by maintaining the reactor sub-critical.

This amendment will not result in an increase in the probability of a malfunction of equipment important to safety. The amendment does not modify any component or system or modify any operating procedure which would adversely affect the operation of a component or system important to safety.

This amendment does not create the possibility of an accident of a different type than any previously evaluated accident in the UFSAR. The changes to the operation of equipment required to control reactor coolant system boron concentration do not affect the ability to increase reactor coolant system inventory or boron concentration as required by Technical Specifications and accident analysis. No credit is taken in any accident analysis for the flowpaths which have been isolated as a result of the administrative controls prescribed by the ACTION Statements of the amended Technical Specifications. The administrative controls do not result in a new type of transient which would result in a change in reactor coolant system inventory or heat removal, nor do these controls result in a reactivity anomaly.

This amendment does not create the possibility of a component or system malfunction of a different type than any previously evaluated accident in the UFSAR. The changes to the operation of equipment required to control reactor coolant system boron concentration do not affect the ability to increase reactor coolant system inventory or boron concentration as required by Technical Specifications and accident analysis. No credit is taken in any accident analysis for the flowpaths which have been isolated as a result of the administrative controls prescribed by the action statements of the amended specifications. The amendment does not modify any component or system or modify any operating procedures which would adversely affect the operation of a component or system important to safety.

This amendment does not reduce the margin of safety as defined in the Bases for any Technical Specification. The administrative controls over dilution flowpaths, the revised ICRR Curve, the inclusion of the estimated setpoint uncertainty, and the increase in SHUTDOWN MARGIN adequately compensate for the increase in the critical boron concentration safety analysis limit and the potential loss of conservatism due to the deficiencies in the ICRR and setpoint uncertainty assumptions in the current licensing basis. The analysis demonstrates that the BDPS can successfully detect a dilution, isolate the source of the dilution, and restore plant SHUTDOWN MARGIN before fuel design limits or pressure boundary limits are exceeded. The acceptance criteria is met by demonstrating that criticality is not achieved.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: For Byron, the Byron Public Library, 109 N. Franklin, P.O. Box 434, Byron, Illinois 61010; for Braidwood, the Wilmington Township Public Library, 201 S. Kankakee Street, Wilmington, Illinois 60481

Attorney for licensee: Michael I. Miller, Esquire; Sidley and Austin, One First National Plaza, Chicago, Illinois 60690

NRC Project Director: Richard J. Barrett

Commonwealth Edison Company, Docket Nos. 50-295 and 50-304, Zion Nuclear Power Station, Units 1 and 2, Lake County, Illinois

Date of amendment request: July 8, 1992

Description of amendment request: The proposed amendments were submitted as a result of NRC recommendations pertaining to Generic Letter 90-06 for the power-operated relief valves (PORVs) and block valves, and low temperature overpressure protection (LTOP) systems. The proposed Technical Specifications will enhance the reliability of the PORVs and block valves and will provide additional low temperature overpressure protection.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration. The NRC staff has reviewed the licensee's analysis against the standards of 10 CFR 50.92(c). The NRC staff's review is presented below:

The licensee's proposed changes in response to Generic Issue 70 would not result in any modifications to the PORVs, block valves, initiation logic or actuation setpoints. There is no change in the manner in which equipment is maintained, or a reduction in levels of surveillance. The proposed changes enhance the overall availability and reliability of the PORVs and as a result do not increase the probability of a previously evaluated accident

The licensee's proposed changes in response to Generic Issue 94would not result in any modifications to the PORVs, block valves or initiation logic. There is no change in the manner in which equipment is maintained and there is no reduction in the level of surveillance conductedon equipment used to comply with the limiting conditions of operations.Extending the time for depressization, to accommodate pressurizer and reactor system cooldown, does not involve an event initiator or the consequences of an event which might occur during this time.

Based on the above, the proposed Technical Specification changes will not involve a significant increase in the probability or consequences of an accident that has been previously evaluated.

The licensee's proposed changes to their Technical Specifications, in response to Generic Issue 70, do not necessitate a physical alteration of the plant or changes in parameters governing normal plant operation. Therefore, the changes do not create the possibility of a new or different kind of accident.

The licensee's proposed changes to their Technical Specifications, in response to Generic Issue 94, do not necessitate a physical alteration of the plant or changes in the parameters governing normal plant operation, except for reducing the time during which the plant can be operated in previously evaluated conditions.

Therefore, based on the above, the proposed changes do not create the possibility of a new or different kind of accident from any previously evaluated.

With the exception of the increase in the time allowed for depressurization, all changes to the parameters or conditions used to establish the

proposed technical specifications are in a conservative direction. The increase in the time allowed to depressurize from 16 to 24 hours establishes the required plant conditions within the shortest time period possible under current plant restrictions. The proposed changes do not reduce the ability of the PORVs to mitigate an LTOP event. Rather, the proposed changes reduce the time the plant can operate with one or more PORVs inoperable. Therefore, the proposed changes do not involve a significant reduction in a margin of safety.

Based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Waukegan Public Library, 128 N. County Street, Waukegan, Illinois 60085

Attorney for licensee: Michael I. Miller, Esquire; Sidley and Austin, One First National Plaza, Chicago, Illinois 60690

NRC Project Director: Richard J. Barrett

Duke Power Company, Docket Nos. 50-269, 50-270 and 50-287, Oconee Nuclear Station, Units 1, 2 and 3, Oconee County, South Carolina

Date of amendment request: July 13, 1992

Description of amendment request: The proposed amendments would delete cycle dependent core operating limits from the Technical Specifications (TSs) to allow 10 CFR 50.59 reviews for future core reloads for all Oconee units. These limits will be relocated in the Core Operating Limits Report (COLR) in accordance with the guidance provided in NRC Generic Letter88-16. The proposed amendment would relocate the following additional cycle-specific parameter limits from the TSs to the COLR:

. Figure 2.1-1 "Variable Low Pressure Protective Limits,"

2. Figure 2.1-2 "Axial Power Imbalance Protective Limits,"

3. TS 3.2.2 Concentrated Boric Acid Storage Tank (CBAST) volume and boron concentration,

4. TS 3.3.3 Core Flood Tank (CFT) boron concentration, and

5. TS 3.3.4 Borated Water Storage Tank (BWST) boron concentration.Changes are also proposed for the associated Bases.

In addition, related administrative and editorial changes are made, and the Bases have been revised in response to concerns regarding temperature assumptions in shutdown margin analyses. Accordingly, the revised Bases indicate the shutdown margin requirements are based on an RCS temperature of 33 degrees F rather than 70 degrees F.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

Duke Power Company (Duke) has made the determination that this amendment request involves a No Significant Hazards Consideration by applying the standards established by NRC regulations in 10 CFR 50.92. This ensures that operation of the facility in accordance with the proposed amendment would not:

(1) Involve a significant increase in the probability or consequences of an accident previously evaluated:

Each accident analysis addressed within the Oconee Final Safety Analysis Report (FSAR) has been examined with respect to the change proposed within this amendment request. The Technical Specifications will continue to require operation within the bounds of the cycle-specific parameter limits. The cycle-specific parameter limits will be calculated using NRC approved methodology. Therefore, the probability of any Design Basis Accident (DBA) is not affected by this change, nor are the consequences of a DBA affected by this change since the relocation of cycle-specific parameter limits from the Technical Specifications to the COLR is not considered to be an initiator or contributor to any accident analysis addressed in the Oconee FSAR.

(2) Create the possibility of a new or different kind of accident from any kind of accident previously evaluated:

Operation of ONS in accordance with these Technical Specifications will not create any failure modes not bounded [by] previously evaluated accidents. Consequently, this change will not create the possibility of a new or different kind of accident from any kind of accident previously evaluated.

(3) Involve a significant reduction in a margin of safety:

The Technical Specifications will continue to require operation within the bounds of the cycle-specific parameter limits. The cycle-specific parameter limits will be calculated using NRC approved methodology. In addition, each future reload will require a 10 CFR 50.59 safety review to assure that operation of the Unit within the cycle-specific limits will not involve a reduction in a margin of safety. Therefore, no margins of safety are affected by the relocation of cycle-specific parameter limits to the COLR.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Oconee County Library, 501 West South Broad Street, Walhalla, South Carolina 29691

Attorney for licensee: J. Michael McGarry, III, Winston and Strawn, 1200 17th Street, NW., Washington, DC 20036

NRC Project Director: David B. Matthews

Entergy Operations, Inc., Docket No. 50-313, Arkansas Nuclear One,Unit No. 1, Pope County, Arkansas

Date of amendment request: August 4, 1992

Description of amendment request: The amendment revises Technical Specification 4.7.1.2.a.1 to decrease the value of the secondary steam supply pressure specified for surveillance of the turbine-driven emergency feedwater (EFW) pump from greater than 865 psig to greater than 800 psia. In addition, "secondary steam supply pressure" would be changed to "steam generator pressure."

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

Criterion 1 - Does Not Involve a Significant Increase in theProbability or Consequences of an Accident PreviouslyEvaluated.

The accident mitigation features of the plant are not affected by the proposed amendment. No modification has been made to the pump or turbine driver. The specified values of flowrate and discharge pressure for the surveillance testing of the turbine driven EFW pump remain unchanged. The capability of the turbine driven EFW pump to perform its required function is not impacted by this change. Design calculations show that the turbine driven EFW pump is capable of delivering required flowrate and discharge pressure for existing plant conditions applicable to a secondary steam supply pressure range of 60 to 1100 psia. The change specifying steam generator pressure as the secondary steam supply pressure is purely administrative in nature and is intended to clarify the specification.

Therefore, this change does not involve a significant increase in the probability or consequences of any accident previously evaluated.

Criterion 2 - Does Not Create the Possibility of a New or DifferentKind of Accident from any Previously Evaluated.

No new possibility for an accident is introduced by modifying the specifications for the surveillance testing of the turbine driven EFW pump. The surveillance will continue to demonstrate the pump's ability to perform its safety function. The specified values of flowrate and discharge pressure for the surveillance test remain unchanged. Design calculations show that the turbine driven EFW pump is capable of delivering

required flowrate and discharge pressure for existing plant conditions applicable to a secondary steam supply pressure range of 60 to 1100 psia. The change specifying steam generator pressure as the secondary steam supply pressure is purely administrative in nature and is intended to clarify the specification.

Therefore, this change does not create the possibility of a new or different kind of accident from any previously evaluated.

Criterion 3 - Does Not Involve a Significant Reduction in the Margin of Safety.

The safety function of the turbine driven EFW pump is not altered as a result of this change. The pump's required flowrate and discharge pressure are not revised as a result of this change to secondary steam supply pressure. Design calculations show that the turbine driven EFW pump is capable of delivering required flowrate and discharge pressure for existing plant conditions applicable to a secondary steam supply pressure range of 60 to 1100 psia. The change specifying steam generator pressure as the secondary steam supply pressure is purely administrative in nature and is intended to clarify the specification.

Therefore, this change does not involve a significant reduction in the margin of safety.

Therefore, based on the reasoning presented above and the previous discussion of the amendment request, Entergy Operations has determined that the requested change does not involve a significant hazards consideration.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Tomlinson Library, Arkansas Tech University, Russellville, Arkansas 72801

Attorney for licensee: Nicholas S. Reynolds, Esquire, Winston and Strawn, 1400 L Street, N.W., Washington, D.C. 20005-3502

NRC Project Director: John T. Larkins

Entergy Operations, Inc., Docket No. 50-368, Arkansas Nuclear One,Unit No. 2, Pope County, Arkansas

Date of amendment request: October 15, 1991

Description of amendment request: The proposed change would delete two inboard containment purge isolation valves from Technical Specification Table 3.6-1.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

Criterion 1 - Does Not Involve A Significant Increase in the Probability or Consequences of An Accident Previously Evaluated

The proposed changes [sic] does not involve a significant increase in the probability or consequences of an accident previously evaluated. The containment purge isolation valves are passive components during Operational Modes 1, 2, 3, and 4 since they are sealed closed in accordance with Technical Specification 3.6.1.6. These isolation valves perform no active safety function and have no effect on the probability of an accident occurring. The consequences of a design basis accident during MODES 1, 2, 3, and 4 are unchanged since containment integrity is maintained by redundant isolation valves for both the purge supply and exhaust penetrations. The use of the redundant outboard isolation valves to provide containment isolation does not increase the probability or consequences of any accident previously evaluated since the additional piping length, which will be part of containment boundary, is rated for greater than post accident containment conditions and the second outboard isolation valve is identical to the first outboard isolation valve which is currently used to provide containment isolation. The increase in probability of tornado missile damage to the isolation valves or associated piping concurrent with a design basis accident has been shown to be insignificant. Specifically, the calculated probability for such an occurrence was shown to be much less than 10^{-10} per year. Therefore, the consequences of previously evaluated accidents are not significantly increased. Previous analyses of accidents occurring during power operations credited a double isolation barrier to prevent containment releases through the purge supply and exhaust lines. The ability to provide a double isolation barrier to containment releases remains unchanged as a result of this Technical Specification change.

Previous evaluations of accidents occurring during MODES 5 and 6 with the purge system operating did not take credit for isolation of these penetrations. As a result, the probability and consequences of these accidents are not increased by this change.

The use of redundant outboard isolation valves to provide containment integrity does not involve a significant increase in the probability or consequences of an accident previously evaluated.

Criterion 2 - Does Not Create the Possibility of a New or Different Kind of Accident from Any Previously Evaluated

The proposed change does not create the possibility of a new or different kind of accident from any previously analyzed because the use of the redundant outboard isolation valves to provide containment integrity is equivalent to the degree of isolation provided by the current design. These isolation valves are used as passive components during reactor operation and have no effect on the type or kind of accident. The possibility of a new or different kind of accident from any previously evaluated is not created because the changes do not involve any design changes, plant modifications, changes in acceptance criteria or changes in plant operation. The change to the valves used for isolation of the containment purge system penetrations will utilize redundant outboard isolation valves. The second outboard isolation valve is essentially identical in design to the first outboard isolation valve which is currently used to provide containment isolation. As a result, the possibility of a new or different kind of accident is not created.

Criterion 3 - Does Not Involve A Significant Reduction in The Margin of Safety

The proposed change does not involve a significant reduction in a margin of safety since the degree of containment isolation is unchanged from that assumed in the design basis analysis. The redundant isolation valves available for each penetration have been functionally tested and proven to be acceptable isolation barriers. No limits or surveillance requirements provided by the Technical Specifications have been changed. The change in the valves used to provide containment isolation does not involve a significant reduction in the margin of safety since the only changes [sic] is in the location (outside containment instead of inside containment) of the redundant isolation valve for each penetration.

The only potential concern resulting from the use of the outboard valves to provide containment isolation is the possibility of tornado missile damage. Using the techniques of NUREG/CR-4713, the likelihood of any size tornado generating a missile that impacts any part of the outside containment purge piping or valves out through the second isolation valve (whether or not the impact degrades isolation capability) within 30 days following a LOCA of any size, has been shown to be insignificant. Specifically, the calculated probability for such an occurrence was shown to be much less than 10^{-10} per year. Therefore, the possibility of tornado missile damage to the purge isolation valves or piping concurrent with a LOCA is not considered credible. In addition, the outboard isolation valves are located in close proximity to each other (distances between valves are shown in figure 1). This physical arrangement minimizes the piping between the isolation valves which could be subjected to potential tornado missile damage. Therefore, the margin of safety provided by the containment purge isolation valves and the mitigating function of the containment purge isolation valves is not significant reduced.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Tomlinson Library, Arkansas Tech University, Russellville, Arkansas 72801

Attorney for licensee: Nicholas S. Reynolds, Esquire, Winston and Strawn, 1400 L Street, N.W., Washington, D.C. 20005-3502

NRC Project Director: John T. Larkins

Entergy Operations, Inc., et al., Docket No. 50-416, Grand Gulf Nuclear Station, Unit 1, Claiborne County, Mississippi

Date of amendment request: July 29, 1992

Description of amendment request: The proposed amendment would change selected technical specification (TS) instrumentation surveillance test intervals (STIs) and allowed outage times (AOTs) in accordance with changes proposed by the General Electric Company in topical reports that have been reviewed and approved by the NRC staff.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration. The NRC staff has reviewed the licensee's analysis against the standards of 10 CFR 50.92(c). The NRC staff's review is presented below.

The proposed TS changes increase the STIs and AOTs for instrumentation supporting a number of TS functions. There are no changes in any of the affected systems themselves. Since there are no such changes, there can be no change in the probability of occurrence of an accident. Regarding theconsequences of an accident, General Electric (GE) reports GENE-770-06-1 and GENE-770-06-2 showed that for the instrumentation evaluated, the effects of the extension in STIs and AOTs are bounded by previous GE analyses. The previously performed GE analyses showed that the changes to the STIs and AOTs produced negligible impact. The proposed changes are those discussed in GENE-770-06-1 or GENE-770-06-2 and their supporting information, or are changes to specifications which have instrumentation common to that changed in the GE analysis. The proposed instrumentation changes are, therefore, bounded by analyses that showed no effect or minimal increases in the unavailability of safety functions for similar changes. The NRC concurred with the conclusions of the GE reports. The NRC has also concurred with the conclusions of GENE-770-06-1 and GENE-770-06-2. All of the changes requested are bounded by analyses presented in GE reports which have been reviewed and approved on a generic basis by the NRC.

Further, given the resulting reduction in test-related plant scrams and test-induced wearout of equipment, the net effect of these changes is expected to represent a net improvement to overall plant safety.

There is therefore no increase in the probability or consequences of a previously evaluated accident due to the proposed changes.

Neither the design nor the functional operation of the affected instrumentation is being changed. The proposed changes only involve a change in the STIs and AOTs. These changes will not impact the function of monitoring system variables over their anticipated ranges for normal operation, anticipated operational occurrences, or accident conditions.

The proposed changes do not introduce any new modes of plant operation, make any physical changes, or alter any operational setpoints.

Therefore, the possibility of a new or different kind of accident from any previously evaluated is not created.

The proposed changes do not alter the manner in which safety limits, limiting safety system settings, or limiting conditions of operation are determined. The impact of reduced testing, other than as addressed above, is to allow a longer time interval over which instrument uncertainties (e.g., drift) may act. The current affected instrumentation setpoints already account for the effects of drift and include a sufficient allowance to tolerate extensions of the STIs. Implementation of the proposed changes is expected to result in an overall improvement in safety, as follows:(1) Reduced testing will result in fewer inadvertent reactor trips, less frequent actuation of engineered safety feature (ESF) components, and greater equipment availability; (2) Improvements in the effectiveness of the operating staff in monitoring and controlling plant operation will be realized. This is due to less frequent distraction of the operators to attend to instrumentation testing.

Based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Judge George W. Armstrong Library, Post Office Box 1406, S. Commerce at Washington, Natchez, Mississippi 39120

Attorney for licensee: Nicholas S. Reynolds, Esquire, Winston and Strawn, 1400 L Street, N.W., 12th Floor, Washington, DC 20005-3502

NRC Project Director: John T. Larkins

Entergy Operations, Inc., et al., Docket No. 50-416, Grand Gulf Nuclear Station, Unit 1, Claiborne County, Mississippi

Date of amendment request: August 19, 1992

Description of amendment request: The proposed amendment requests changes to Technical Specification (TS) 4.0.5, Applicability, and TS 3/4 4.3, Reactor Coolant System Leakage.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. No significant increase in the probability or consequences of an accident previously evaluated results from these changes.

The proposed changes to TS 4.0.5, Applicability, and TS 3/4 4.3, Reactor Coolant System Leakage are consistent with NRC Generic Letter (GL) 88-01 and GL 88-01, Supplement 1.

The proposed change to TS 4.0.5 is administrative in nature and does not affect any accident initiators or initial assumptions used in the accident analyses. The inservice inspection program at Grand Gulf Nuclear Stations (GGNS) currently conforms to the staff position in GL 88-01. The proposed change provides a formal endorsement of the staff position.

Leakage detection systems for the reactor coolant system are provided to alert the operator when leakage rates above normal are detected. The proposed changes to TS 3/4 4.3 provide more stringent requirements for the detection of leakage within the primary containment and will require operator action at a lower limit. Changing the limit for an increase in unidentified leakage from 2 gpm in 4 hours to 2 gpm in 24 hours ensures that small leaks in the reactor coolant system are detected. This proposed change does not adversely affect any of the accident initiators or initial assumptions used in the accident analyses.

The proposed change to the frequency of leakage detection monitoring is consistent with GL 88-01, Supplement 1. The NRC Staff found that monitoring reactor coolant system leakage every 4 hours created an unnecessary administrative hardship for plant operators. A leakage monitoring frequency of 12 hours ensures that leakage measurements are checked frequently without creating an unnecessary operator burden.

2. The changes would not create the possibility of a new or different kind of accident from any previously evaluated.

The proposed changes do not involve a change in the design, maintenance, or methods of operation or testing of any plant system or component. Therefore, no new failure mode is created. The proposed changes to TS 4.0.5, Applicability, and TS 3/4 4.3, Reactor Coolant System Leakage, are consistent with NRC GL 88-01 and GL 88-01, Supplement 1. Therefore, these changes will not create the possibility of a new or different

kind of accident from any previously analyzed.

3. These changes would not involve a significant reduction in the margin of safety.

The proposed changes do not involve a significant reduction in the margin of safety. The proposed changes to TS 4.0.5, Applicability, and TS 3/4 4.3, Reactor Coolant System [RCS] Leakage, are consistent with NRC GL 88-01 and GL 88-01, Supplement 1.

The proposed change to TS 4.0.5 is administrative in nature and does not affect the margin of safety.

The proposed change to TS 3/4 4.3 on the RCS leakage limit is more stringent than the current limit. This restriction will require operator action at a lower limit. The change in the limit will ensure that small leaks in the RCS will be detected.

The change to the leakage detection frequency will reduce unnecessary administrative hardship for the operator. The enhanced ability for early detection of unidentified leakage and the reduction of operator burden may actually increase the margin of safety.

The proposed changes do not modify the actuation setpoints, function or the method of operation and testing of any plant system or component; therefore, these changes will not involve a significant reduction in the margin of safety.

Based on the above evaluation, operation in accordance with the proposed amendment involves no significant hazards considerations.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Judge George W. Armstrong Library, Post Office Box 1406, S. Commerce at Washington, Natchez, Mississippi 39120

Attorney for licensee: Nicholas S. Reynolds, Esquire, Winston and Strawn, 1400 L Street, N.W., 12th Floor, Washington, DC 20005-3502

NRC Project Director: John T. Larkins

Florida Power and Light Company, Docket Nos. 50-250 and 50-251, Turkey Point Plant Units 3 and 4, Dade County, Florida

Date of amendment request: May 19, 1992, as supplemented July 29, 1992

Description of amendment request: The proposed amendments would revise Technical Specifications (TS) Section 6.0, "Administrative Controls" for Turkey Point Units 3 and 4. Specifically, the proposed changes would:

(1) revise the TS to reflect the current organizational titles of the plant staff consistent with a Florida Power and Light Company Nuclear Division reorganization. The minimum qualification requirements specified in TS 6.3, "Facility Staff Qualifications" or organizational responsibilities assigned to them would not be changed.

(2) revise TS 6.5.1.2 "Composition" related to the Plant Nuclear Safety Committee (PNSC) by deleting the specific organizational title designations of its members and substituting the plant disciplines which the members represent in the PNSC. In addition, a new sentence would be added: "The members, according to individual job titles, shall meet the requirements as described in Sections 4.2, 4.3, or 4.4, of the ANSI N-18.1-1971. "Finally, a new sentence would be added to note that the PNSC Chairman and Vice Chairman would be appointed in writing from among the members by the Plant General Manager.

(3) change TS 6.2.2 to revise the wording "applicable department superintendent" to "applicable department manager."

(4) revise Table 6.2.1 to change the abbreviation "PSN" to "NPS" to indicate "Nuclear Plant Supervisor."

(5) correct typographical errors. Specifically, in TS 6.9.1.3, the phrase "Offsite Dose Calculation Manual" would be capitalized, in TS 6.10.3o, the phase "Annual Radiological Environmental Monitoring Report(s)" would be corrected to read "Annual Radiological Environmental Operating Report(s)", and in TS 6.2.1.e, the letters "h" and "p" in the title "health physics" would be capitalized.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Operation of the facility in accordance with the proposed amendment[s] would not involve a significant increase in the probability or consequences of an accident previously evaluated.

The changes being proposed are administrative in nature and do not affect assumptions contained in plant safety analyses, the physical design and/or operation of the plant, nor do they affect Technical Specifications that preserve safety analysis assumptions. Therefore, the proposed changes do not affect the probability or consequences of accidents previously analyzed.

2. Operation of the facility in accordance with the proposed amendment[s] would not create the possibility of a new or different kind of accident from any accident previously evaluated.

The NRC [Nuclear Regulatory Commission] has previously approved the division of responsibility for "Plant Manager - Nuclear", "Site Services Manager - Nuclear", ["]Operations Superintendent", "Health Physics Manager", "Plant Supervisor Nuclear" and "Training Superintendent" as described in Section 6.0 of the Turkey Point Units 3 and 4 Technical Specifications. The proposed amendment[s] [ensure] a consistent corporate responsibility by substituting the revised organizational titles and thus maintaining responsibility for overall plant nuclear safety.

The proposed change in the composition of the Plant Nuclear Safety Committee (PNSC) will have no impact on the responsibilities and effectiveness of this committee. The changes being proposed are administrative in nature and will not affect plant safety analysis assumptions, lead to material procedure changes or to physical modifications to the facility. Therefore, the proposed changes do not create the possibility of a new or different kind of accident.

3. Operation of the facility in accordance with the proposed amendment[s] would not involve a significant reduction in a margin of safety.

The changes being proposed are administrative in nature and do not relate to or modify the safety margins defined in, and maintained by, the Technical Specifications. The NRC will continue to be informed of organizational changes through controlled mechanisms. The Topical Quality Assurance Report provides a detailed description of organization and responsibilities as well as detailed organizational charts. The change to the composition of the PNSC will have no impact on the effectiveness of the individual review process.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Florida International University, University Park, Miami, Florida 33199

Attorney for licensee: Harold F. Reis, Esquire, Newman and Holtzer, P.C., 1615 L Street, NW, Washington, D.C. 20036

NRC Project Director: Herbert N. Berkow

Illinois Power Company and Soyland Power Cooperative, Inc., Docket No. 50-461, Clinton Power Station, Unit No. 1, DeWitt County, Illinois

Date of amendment request: December 27, 1991

Description of amendment request: The amendment would change Clinton Power Station (CPS) Technical Specification 3/4.7.2, "Control Room Ventilation System," to revise Action Statement b.1 to provide an alternative where the operable Control Room Ventilation System would not have to be operated in the high radiation mode. Also, Surveillance Requirement 4.7.2.e.5 would be revised to reference the control room pressure to the adjacent areas as opposed to the outside atmosphere as currently identified.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the

issue of no significant hazards consideration which is presented below:

1....the effect of permitting the suspension of fuel handling activities in lieu of placing the operable Control Room Ventilation System in the high radiation mode of operation provides the operator with the flexibility which will permit extended life of the system filters when appropriate actions are taken to significantly reduce the likelihood of needing the system. In addition, failure of this system does not alter the probability of occurrence of any accident previously evaluated. Further, the proposed change to the wording in the surveillance is editorial in nature in that it provides additional clarification and ensures proper implementation of the intent of the specification. As a result, this request does not result in a significant increase in the probability or the consequences of any accident previously evaluated.

2. This request does not result in any change to the plant design as the scope of the potential impact of this request is limited only to providing an acceptable alternative to operation of the operable Control Room Ventilation System in the high radiation mode of operation and to providing clarification on the surveillance requirements. No new failure modes are introduced, and the request will not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Permitting the suspension of fuel handling activities in lieu of placing the operable train in the high radiation mode of operation does not impact the reliability of the Control Room Ventilation System. An equivalent level of safety is maintained because either (1) the system will continue to be operated as currently required, or (2) challenges to the system and system demands will be reduced or eliminated due to core alterations, handling of irradiated fuel and operations with the potential for draining the reactor vessel being prohibited. The system will continue to function as required and the proposed changes are consistent with all the Updated Safety Analysis Report (USAR) analyses. Since this alternative will significantly reduce the need for the system and all required functions are still capable of being fulfilled, this request does not involve a significant reduction in a margin of safety. The proposed change to the wording in the surveillance is editorial in nature and provides the operator with needed clarification to prevent improper implementation of the intent of the specification. Therefore, this proposed change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Vespasian Warner Public Library, 120 West Johnson Street, Clinton, Illinois 61727

Attorney for licensee: Sheldon Zabel, Esq., Schiff, Hardin and Waite, 7200 Sears Tower, 233 Wacker Drive, Chicago, Illinois 60606

NRC Project Director: John N. Hannon

Illinois Power Company and Soyland Power Cooperative, Inc., Docket No. 50-461, Clinton Power Station, Unit No. 1, DeWitt County, Illinois

Date of amendment request: February 7, 1992

Description of amendment request: The proposed amendment would change the Technical Specifications to delete numerous component lists as recommended in NRC Generic Letter (GL) 91-08. In addition, the proposed change would delete the reactor vessel specimen withdrawal schedule as recommended in NRC GL 91-01.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below.

Operation of the facility in accordance with the proposed amendment would not involve a significant increase in the probability or consequences of an accident previously evaluated.

(1) The proposed changes are based upon GL 91-01 and GL 91-08 and merely remove component lists or provide clarifying information. The proposed changes do not alter the scope of equipment which is currently required to be OPERABLE or subject to surveillance testing. In addition, the proposed changes do not result in any change to the plant design or operation. The proposed change to delete the requirement to maintain containment HVAC supply and exhaust isolation valves 1VR002A, B and 1VQ006A, B sealed closed in Operational Condition 4 does not alter the requirement to maintain these valves sealed closed whenever CONTAINMENT INTEGRITY is required. As a result, the proposed requirements continue to meet the intent of TMI Action Plan Item II.E.4.2 and support the safety function of primary containment. Therefore, these proposed changes cannot increase the probability or the consequences of any accident previously evaluated.

Operation of the facility in accordance with this proposed amendment would not create the possibility of a new or different kind of accident from any accident previously evaluated.

(2) As described above, these proposed changes do not alter the scope of equipment which is currently required to be OPERABLE or subject to surveillance testing. In addition, these proposed changes do not alter the plant design or operation. As a result, no new failure modes are introduced and these proposed changes cannot create the possibility of a new or different kind of accident from any accident previously evaluated.

Operation of the facility in accordance with this proposed amendment would not involve a significant reduction in a margin of safety.

(3) The proposed changes are based upon GL 91-01 and GL 91-08 and merely remove component lists or provide clarifying information. The proposed changes do not alter the scope of equipment currently required to be OPERABLE or subject to surveillance testing, nor do the proposed changes affect any instrument setpoints or equipment safety functions. The list of components being removed from TS are included in CPS procedures which are subject to the change controls of Section 6.8 of the CPS TS. These change control provisions provide an adequate means to control changes to these component lists without including them in the TS. The proposed change to delete the requirement to maintain containment HVAC supply and exhaust isolation valves 1VR002A, B and 1VQ006A, B sealed closed in Operational Condition 4 does not alter the requirement to maintain these valves sealed closed whenever CONTAINMENT INTEGRITY is required. As a result, the proposed requirements continue to meet the intent of TMI Action Plan Item II.E.4.2 and support the safety function of primary containment. As a result, these proposed changes will not result in a significant reduction in any margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Vespasian Warner Public Library, 120 West Johnson Street, Clinton, Illinois 61727

Attorney for licensee: Sheldon Zabel, Esq., Schiff, Hardin and Waite, 7200 Sears Tower, 233 Wacker Drive, Chicago, Illinois 60606

NRC Project Director: John N. Hannon

Nebraska Public Power District, Docket No. 50-298, Cooper Nuclear Station, Nemaha County, Nebraska

Date of amendment request: July 28, 1992

Description of amendment request: The proposed amendment would validate the existing pressure versus temperature operating limit curves for Cooper Nuclear Station (CNS) beyond the current 12 effective full-power years, and remove the vessel material surveillance capsule withdrawal schedule from the CNS Technical

Specifications in accordance with the guidance in Generic Letter 91-01.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

Evaluation

The proposed revisions to the existing Cooper Nuclear Station (CNS) Technical Specifications pressure vs. temperature operating limit curves (PT curves) do not involve a significant increase in the probability or consequences of an accident previously evaluated. The existing PT curves, approved with Amendment No. 120 to the CNS operating license, were developed based on Regulatory Guide 1.99 Revision 1, the NRC guidance in effect at the time of their revision, and were conservatively adjusted to account for the results from testing the initial vessel materials surveillance capsule withdrawn. Since that time, the NRC issued Regulatory Guide 1.99 Revision 2, which describes the current methods acceptable to the NRC for predicting the shift in nil-ductility transition temperature (RT_{NDT}) of the vessel beltline materials. The proposed revisions to the CNS PT curves are based on the recommendations in Regulatory Guide 1.99 Revision 2, and are therefore in accordance with the latest NRC guidance.

In 1985, the District removed the first vessel materials surveillance capsule for testing and analysis. This testing displayed an RT_{NDT} shift greater than had been previously expected. Accordingly, the District revised the CNS PT curves based on the guidance in effect at that time, Regulatory Guide 1.99 Revision 1, but conservatively adjusted the results to account for the RT_{NDT} shift exhibited during the testing of the first surveillance capsule. As a result, the Regulatory Guide 1.99 Revision 1 chemistry factors used to determine the Adjusted Reference Temperature (ART - initial RT_{NDT} plus the shift in RT_{NDT} due to neutron irradiation) were multiplied by an adjustment factor equal to the ratio of the measured RT_{NDT} at 6.8 Effective Full Power Years (EFPY) to the expected RT_{NDT} at 6.8 EFPY using Regulatory Guide 1.99 Revision 1 methods. This methodology resulted in estimated ART values that were overly conservative, when compared to Regulatory Guide 1.99 Revision 2 predictions.

The proposed changes to the CNS PT curves are based on the methods described in Regulatory Guide 1.99 Revision 2. Because of the data scatter inherent to Charpy testing results, absent additional justification, Regulatory Guide 1.99 Revision 2 requires that at least two sets of credible surveillance data be available to develop a vessel-specific transition temperature shift correlation; otherwise, the methods of Regulatory Guide 1.99 Revision 2 should be used. Currently, the District has only one set of surveillance data available. The second CNS surveillance capsule was removed during the Reload 14, Cycle 15 Refueling outage in the late fall of 1991; however, the results of the second capsule testing will not be available on a schedule that will support this proposed change. The District has therefore recalculated the ART based on the method described in Regulatory Guide 1.99 Revision 2.

The results of these calculations validate the present CNS PT curves through 21 EFPY of operation, which represents an ART of 110°F as calculated using the Regulatory Guide 1.99, Revision 2. These include Figure 3.6.1.a, "Minimum Temperature"

for Non-Nuclear Heatup or Cooldown Following Nuclear Shutdown,["] Figure 3.6.1.b, "Minimum Temperature for Core Operation (Criticality) - Includes 40°F Margin Required by 10CFR50 Appendix G," and Figure 3.6.2, "Minimum Temperature for Pressure Tests Such as Required by Section XI." Additionally, the three separate curves are retained in Figure 3.6.2 to provide operational flexibility. These curves correspond to ARTs of 93°F, 102°F, and 110°F which are valid for 13, 18, and 21 EFPY respectively based on Regulatory Guide 1.99 Revision 2 calculations.

Other than the extension of their period of validity by using the calculation methods of Regulatory Guide 1.99 Revision 2, no other changes are proposed to the CNS PT curves. Accordingly, the proposed revision to the CNS PT curves are based on an NRC-accepted means of ensuring protection against brittle reactor vessel failure, and compliance with 10 CFR Appendix G will be maintained. Therefore, this proposed change will not involve a significant increase in the probability or consequences of an accident previously evaluated.

The changes proposed to remove the reactor vessel surveillance capsule withdrawal schedule from the CNS Technical Specifications are in accordance with the guidance provided in Generic Letter 91-01. As discussed in Generic Letter 91-01, licensee vessel surveillance programs are controlled by 10 CFR Appendix H, which requires licensee submittal of NRC approval of the proposed surveillance capsule withdrawal schedule prior to implementation.

In addition, with Revision 10 to the CNS Updated Safety Analysis Report (USAR), the District will update the surveillance withdrawal schedule as described in the NRC Safety Evaluation accompanying Amendment No. 143 to the CNS Operating License, dated July 5, 1991. Therefore, no loss of NRC regulatory control of the surveillance capsule withdrawal schedule occurs as a result of this proposed change, and removal of the surveillance capsule does not involve a significant increase in the probability or consequences of an accident previously evaluated.

The changes to Section 3.6.A.2 which clarify that the temperature limits apply only when the reactor vessel head is tensioned are consistent with the 1986 ASME code, and are therefore consistent with 10 CFR 50 Appendix G. This is referenced in Section IV.2.6.3.2 of the CNS USAR. Therefore, these clarifications do not involve a significant increase in the probability or consequences of an accident previously evaluated.

Finally, the repagination does not involve a significant increase in the probability or consequences of an accident previously evaluated, as this is a purely administrative change.

2. Does the proposed change create the possibility for a new or different kind of accident from any accident previously evaluated?

Evaluation

The proposed changes update existing vessel pressure - temperature operating limits to correspond with the current NRC guidance. These changes are necessary to permit operation beyond 12 EFPY. The proposed changes do not involve any plant design changes nor any new mode of operation. These changes only demonstrate compliance with the brittle fracture prevention requirements of 10 CFR 50 Appendix G, and therefore do not create the possibility for a new or different kind of accident from any accident previously evaluated.

3. Does the proposed change create a significant reduction in the margin of safety.

Evaluation

The proposed changes to the CNS PT curves do not create a significant reduction in the margin of safety. The proposed changes revise the existing CNS PT curves to be consistent with the recommendations of Regulatory Guide 1.99, Revision 2, the current NRC guidance given to ensure compliance with 10 CFR Appendix G.

As discussed above, the existing CNS PT curves were developed by using the guidance of Regulatory Guide 1.99 Revision 1 with adjustment factors to account for the greater than expected transition temperature shift exhibited during the testing of the first set of vessel material surveillance specimens withdrawn in 1985.

This methodology introduced excessive conservatism compared to the results using the methods of Regulatory Guide 1.99 Revision 2.

The proposed revision of the CNS PT curves removes the excessive conservatism contained in the existing PT curves which were developed using guidance which is now outdated. The proposed revision to the PT curves does utilize the most current NRC guidance for compliance with 10 CFR 50 Appendix G. Therefore, this proposed change does not result in a significant reduction in the margin of safety.

The change to Section 3.6.A.2 to clarify that the vessel temperature limits apply only when the reactor vessel head is

tensioned do not involve a significant reduction in the margin of safety. These changes only clarify the requirements of 10 CFR 50 Appendix G, and makes [sic] the Technical Specifications consistent with the CNS USAR.

The proposed change to remove the vessel material surveillance capsule withdrawal schedule from the CNS Technical Specifications is in accordance with the guidance contained in Generic Letter 91-01. In addition, 10 CFR 50 Appendix H requires licensees to obtain NRC approval of any changes to the surveillance capsule withdrawal schedule; therefore, including the schedule in the Technical Specifications

represents redundant control mechanisms. Further, the District will be updating with Revision 10 to the CNS USAR, the surveillance capsule withdrawal schedule in accordance with commitments made during approval of Amendment No. 143 to the CNS Operating License. Therefore, removal of the surveillance capsule withdrawal schedule does not constitute a reduction in the margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Auburn Public Library, 118 15th Street, Auburn, Nebraska 68305

Attorney for licensee: Mr. G.D. Watson, Nebraska Public Power District, Post Office Box 499, Columbus, Nebraska 68602-0499

NRC Project Director: John T. Larkins

Northeast Nuclear Energy Company, et al., Docket No. 50-336, Millstone Nuclear Power Station, Unit No. 2, New London County, Connecticut

Date of amendment request: August 5, 1992

Description of amendment request: The proposed amendment would incorporate into the Technical Specifications the addition of two bypass lines and associated containment isolation valves for the auxiliary feedwater pump steam supply lines.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

NNECO has reviewed the changes in accordance with 10 CFR 50.92 and concluded that the changes do not involve a significant hazards consideration. The basis for this conclusion is that the three criteria of 10 CFR 50.92(c) are not compromised. The proposed changes do not involve a significant hazards consideration because the changes would not:

1. Involve a significant increase in the probability or consequences of an accident previously analyzed. The addition of Valves 2-MS-458 and 2-MS-459 to the containment isolation valve list does not impact any safety system. The bypass lines and isolation valves will increase the reliability of the [auxiliary feedwater] AFW pump turbine by reducing the potential for water hammer damage to the turbine and main steam piping during intermittent operation of the [steam supply isolation valves] SSIVs.

2. Create the possibility of a new or different kind of accident from any previously analyzed. This modification and the potential failure modes do not modify the plant response to the point where it can be considered a new accident. The modification was designed so that it will be isolated during normal plant operation. Operation of the bypass line isolation valves would require operator action under controlled or monitored conditions. The valves and the upstream piping have been designed and seismically supported in accordance with ASME III, which is consistent with the original design criteria of the plant.

3. Involve a significant reduction in the margin of safety. The addition of bypass lines and two manual containment isolation valves to the AFW system will provide a drainage path for condensate which collects in the line when an SSIV is shut. The bypass line isolation valves will be operated under specific operating conditions with an operator present at the bypass isolation valve for the entire drainage period. This modification does not affect or have any potential impact on the consequences of any design basis accident. Therefore, the modification does not involve a significant reduction in the margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Learning Resources Center, Thames Valley State Technical College, 574 New London Turnpike, Norwich, Connecticut 06360.

Attorney for licensee: Gerald Garfield, Esquire, Day, Berry & Howard, City Place, Hartford, Connecticut 06103-3499.

NRC Project Director: John F. Stolz

Northeast Nuclear Energy Company, et al., Docket No. 50-336, Millstone Nuclear Power Station, Unit No. 2, New London County, Connecticut

Date of amendment request: August 12, 1992

Description of amendment request: The proposed amendment would revise the limiting condition for operation, action statement, and surveillance requirements (Technical Specifications 3.2.3 and 4.2.3.2) associated with the total unrodded radial peaking factor (F_r^T), the limiting condition for operation (Technical Specification 3.3.3.2) associated with the incore detectors, and Figure 2.2-2, "Local Power Density--High Trip Setpoint Part 2." The proposed technical specification changes would accommodate the method of calculation used in INPAX, the new incore monitoring code which will be used in Cycle 12.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

NNECO has reviewed the proposed changes in accordance with the requirements of 10 CFR 50.92 and has concluded that the proposed changes do not involve a significant hazards consideration in that these changes would not:

1. Involve a significant increase in the probability or consequences of an accident previously analyzed. There are no analyses or operational aspects of the change which would affect the F_r^T action statement. The new specification on incore detectors is closely based on standard Combustion Engineering technical specifications. This will ensure sufficient numbers and distribution of detectors. The change to the LPD [local power density] trip setpoint is required to ensure against fuel centerline melting ([less than] 21 kW/ft) in the core with F_r^T increased for Cycle 12 to 1.69. The decrease in LPD operability margin will provide a relative increase in the F_r^T margin, thus extending cycle length. There are no potential impacts on design basis accidents previously analyzed. There are no failure modes affected by the change. As such, there are no design basis accidents adversely affected due to this change.

2. Create the possibility of a new or different kind of accident from any previously analyzed. The F_r^T Action Statement revision has no accident associated with it nor would it create any. The incore detector operability revision allows the INPAX code to monitor the core. The revision to the local power density--high trip setpoint figure is an adjustment within the reactor protection system which will continue to protect the core. There are no failure modes associated with these proposed technical specification changes. Therefore, there are no failure modes which can represent a new unanalyzed accident.

3. Involve a reduction in the margin of safety. The only change with a potential to impact safety limits is the revised LPD limit. Safety analysis results have shown that all acceptance criteria are met. Therefore, there is no challenge to safety limits or other protective boundaries.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Learning Resources Center, Thames Valley State Technical College, 574 New London Turnpike, Norwich, Connecticut 06360.

Attorney for licensee: Gerald Garfield, Esquire, Day, Berry & Howard, City Place, Hartford, Connecticut 06103-3499.

NRR Project Director: John F. Stolz

Northeast Nuclear Energy Company, et al., Docket No. 50-336, Millstone Nuclear Power Station, Unit No. 2, New London County, Connecticut

Date of amendment request: August 17, 1992

Description of amendment request: The proposed amendment would change the Technical Specifications 4.6.1.6.1.a and 4.6.1.6.2 to bring the surveillance requirements for the containment structural integrity into compliance with Regulatory Guide 1.35, Revision 3.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

The proposed change does not involve a significant hazards consideration because the change would not:

1. Involve a significant increase in the probability or consequences of an accident previously analyzed.

The proposed change will reduce the duplication of inspection performed during an [integrated leak rate test] ILRT and that performed during the scheduled tendon surveillance inspections, while providing a more accurately represented selection of tendons for testing and inspection. As such this change will not increase the probability or consequences of an accident previously evaluated.

2. Create the possibility of a new or different kind of accident from any previously analyzed.

The changes to RG 1.35 Revision 3 were based on experience derived from previous inspections performed under RG 1.35. Reducing duplication of work, based on previous experience, and establishing a more comprehensive tendon selection will not create the possibility of a new or different kind of accident.

3. Involve a significant reduction in a margin of safety.

Since the proposed change is based on RG 1.35 Revision 3, it will provide a more accurate representation of tendon condition and conformance of performance to anticipated design. Further, it will reduce inspection duplication and will not reduce the margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Learning Resources Center, Thames Valley State Technical College, 574 New London Turnpike, Norwich, Connecticut 06360.

Attorney for licensee: Gerald Garfield, Esquire, Day, Berry & Howard, City Place, Hartford, Connecticut 06103-3499.

NRC Project Director: John F. Stolz

Northeast Nuclear Energy Company, et al., Docket No. 50-423, Millstone Nuclear Power Station, Unit No. 3, New London County, Connecticut

Date of amendment request: July 27, 1992

Description of amendment request: The proposed amendment revises Technical Specifications for reactor vessel water level as follows:°Provides in Section 3.3.3.6 separate actions when either one or two channels of reactor vessel water level monitoring are not operable.°Adds a definition to Table 3.3-10 of an operable channel.°Clarifies Table 4.3-7 that an electronic calibration from the Inadequate Core Cooling (ICC) cabinets is the appropriate surveillance for the reactor vessel water level instrumentation.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

The proposed changes do not involve a significant hazards consideration because the changes would not:

1. Involve a significant increase in the probability or consequences of an accident previously analyzed. The proposed changes will revise the surveillance and operability requirements of the reactor vessel water level monitoring instrumentation by incorporating generic requirements proposed by the [Combustion Engineering Owners Group] CEOG and accepted by the NRC staff. These changes provide flexibility to utilize an alternate method of monitoring the reactor vessel inventory if the inoperable channel(s) cannot be restored to operable status within 48 hours, thereby precluding an unnecessary plant shutdown. The changes also allow for the restoration of the inoperable channel(s) to be accomplished during the next scheduled refueling. The proposed changes are bounded by the design basis analysis and will have no negative impact on the probability of occurrence of any design basis accident.

2. Create the possibility of a new or different kind of accident from any previously analyzed. There are no physical design changes associated with the proposed technical specification changes. Therefore, there can be no impact on plant response to the point where a different accident is created.

3. Involve a significant reduction in a margin of safety. Since the proposed changes to Technical Specification 3.3.3.6, Table 3.3-10, and Table 4.3-7 do not affect the consequences of any accident previously analyzed or on any of the protective boundaries, there is no reduction in the margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Learning Resources Center, Thames Valley State Technical College, 574 New London Turnpike, Norwich, Connecticut 06360.

Attorney for licensee: Gerald Garfield, Esquire, Day, Berry & Howard, City Place, Hartford, Connecticut 06103-3499.

NRC Project Director: John F. Stolz

Northeast Nuclear Energy Company, et al., Docket No. 50-423, Millstone Nuclear Power Station, Unit No. 3, New London County, Connecticut

Date of amendment request: July 31, 1992

Description of amendment request: The proposed amendment removes requirements from the License and Technical Specifications pertaining to the Fire Protection Program, and places these same requirements in operating procedures.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

he proposed changes do not involve a significant hazards consideration because the changes would not:

1. Involve a significant increase in the probability or consequences of an accident previously evaluated.

The proposed changes simply remove the provisions of the Fire Protection Program that are contained in the Technical Specifications and License and places them in the plant operating procedures. Review of the Fire Protection Program and its revisions will be the responsibility of the [Plant Operations Review Committee] PORC and the [Station Operations Review Committee] SORC, just as it has always been the responsibility of these groups to review changes to fire protection requirements when they were part of the Technical Specifications.

2. Create the possibility of a new or different kind of accident from any previously evaluated.

There are no new failure modes associated with the proposed changes. Since the plant will continue to operate as designed, the proposed changes will not modify the plant response to the point where it can be considered a new accident.

3. Involve a significant reduction in a margin of safety.

No change is being proposed for the Fire Protection Program requirements themselves. The relevant Technical Specifications are being deleted, and the requirements contained therein are being incorporated into the operating procedures. Plant procedures will continue to provide the specific instructions necessary for the implementation

of the requirements, just as when the requirements resided in the Technical Specifications. Fire Protection Program changes will be governed by the provisions of 10 CFR 50.59, and 10 CFR 50.71(e).

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Learning Resources Center, Thames Valley State Technical College, 574 New London Turnpike, Norwich, Connecticut 06360.

Attorney for licensee: Gerald Garfield, Esquire, Day, Berry & Howard, City Place, Hartford, Connecticut 06103-3499.

NRC Project Director: John F. Stolz

Pennsylvania Power and Light Company, Docket No. 50-388, Susquehanna Steam Electric Station, Unit 2, Luzerne County, Pennsylvania

Date of amendment request: August 7, 1992

Description of amendment request: The proposed amendment would make a change to the Susquehanna Steam Electric Station (SSES), Unit 2 Technical Specifications that changes the isolation signal for suppression pool cleanup line valves HV-25766 and HV-25768 from reactor vessel low water level 3 (+13") or high drywell pressure to reactor vessel low water level 2 (-38") or high drywell pressure.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

The proposed change does not:

1. Involve an increase in the probability of occurrence or the consequences of an accident or malfunction of equipment important to safety as previously evaluated.

This conclusion is based on the consideration that the isolation signal change from level 3 to 2 does not degrade the operation of any equipment or system. Furthermore, the Agastat relays and level switches to be used for the level 2 isolation signals are identical in design, material and construction to those currently used for level 3.

The modification does not alter or degrade the ability of the two cleanup line valves to isolate the cleanup line following those LCOAs inside containment that require isolation. The isolation system design will always result in its actuation at level 2. The design requirement for isolation at level 2 remains satisfied, and in compliance with NUREG-0800 (Standard Review Plan) and NUREG-0776 (Safety Evaluation Report, SSES).

During transients that result in reactor vessel water levels between 2 & 3, the modification will permit the cleanup line to be used, if necessary, to lower the suppression pool water level. Manual control of the filter pump has not been changed. Operation of the cleanup line following these transients is permissible because a LOCA inside containment has not occurred.

Since the cleanup line isolation signal remains in compliance with the design requirements established by General Electric, it is concluded that the consequences of an accident have not been increased.

The probability of a malfunction of equipment important to safety has not been increased by the modification. The relay room panels, where both the level 2 & 3 relays are located, will have minor changes to the internal wiring. Seismic qualification of the equipment will be unaltered. Valve operation remains unchanged, except for the level of reactor vessel water that initiates a containment isolation signal.

The loading on the suppression pool structure, and submerged components in the pool, following safety/relief valve operation, has not been increased. Since higher water levels result in higher loads, the loading following the modification would either be less than or equal to the existing loading depending on whether the filter pump is operating.

The modification does not result in an increase in consequences assuming a malfunction of equipment important to safety. The consequences of failing to isolate containment following a LOCA inside containment or preventing the suppression pool from performing its function are not influenced by the modification.

2. Create the possibility of a new or different kind of accident from any previously evaluated.

The modification uses spare terminals on existing relays to receive an input from a level 2 switch. These relays are identical to those used to receive the level 3 input signal. The actuation logic remains single failure proof. A new possibility has not been created for those LOCAs inside containment that require isolation to occur without isolation of the cleanup line.

The modification does not create the possibility of a malfunction of the suppression pool structure and submerged components in the pool. The use of the cleanup line serves to lower the pool water level which decreases the loading during a LCOA or safety/relief valve operation.

3. Involve a reduction in the margin of safety.

The NRC provided their review of containment isolation signals in Section 6.2.4 of the Safety Evaluation Report (NUREG-0776). Reactor vessel water level 2 was found to be acceptable and therefore defines the basis for the margin of safety.

It is therefore concluded that since the proposed modification changes a containment isolation setpoint to a previously accepted value, a reduction in the margin of safety will not occur.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Osterhout Free Library, Reference Department, 71 South Franklin Street, Wilkes-Barre, Pennsylvania 18701.

Attorney for licensee: Jay Silberg, Esquire, Shaw, Pittman, Potts and Trowbridge, 2300 N Street NW., Washington, D.C. 20037

NRC Project Director: Charles L. Miller

Philadelphia Electric Company, Docket Nos. 50-352 and 50-353, Limerick Generating Station, Units 1 and 2, Montgomery County, Pennsylvania

Date of amendment request: August 11, 1992

Description of amendment request: The proposed changes to the Technical Specifications clarify the surveillance requirement (SR) for the Suppression Pool Cooling (SPC) Mode of Residual Heat Removal (RHR) System.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. The proposed TS changes do not involve a significant increase in the probability or consequences of an accident previously evaluated.

Since the RHR system is not an accident initiator, the proposed change to the SR for the SPC mode of operation of the RHR system will not increase the probability of occurrence of an accident previously evaluated. Furthermore, performance of the RHR SPC mode of operation, including suppression pool mixing, suppression pool spray, and containment heat removal will be unchanged by these proposed TS changes. No onsite or offsite radiological effects due to any postulated accident will be affected. Heat transfer performance of the RHR heat exchangers will continue to be verified to meet applicable requirements by heat transfer tests periodically conducted to satisfy other applicable requirements (i.e., GDCs 46 and 40). Therefore, the consequences of an accident are unchanged.

2. The proposed TS changes do not create the possibility of a new or different kind of accident from any previously evaluated.

The RHR system and its components are not accident initiators. This clarification of the TS SR will not result in modification of the RHR system, change the method of RHR SPC operation or its effectiveness, and therefore, does not create any new or different type of accident from any previously evaluated.

3. The proposed TS changes do not involve a significant reduction in a margin of safety.

These proposed TS changes do not change the operation of RHR in SPC mode. These proposed changes only clarify the fact that the purpose of the current TS SR surveillance requirement 4.6.2.3.b is to confirm the RHR pump performance while operating in the SPC mode through the most restrictive conditions of the flow path. The RHR heat exchanger performance will continue to be verified by periodic testing performed to satisfy other requirements. Thus, the pressure suppression function of the suppression pool is unaffected, and the existing margin of safety is maintained.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Pottstown Public Library, 500 High Street, Pottstown, Pennsylvania 19464.

Attorney for licensee: J. W. Durham, Sr., Esquire, Sr. V.P. and General Counsel, Philadelphia Electric Company, 2301 Market Street, Philadelphia, Pennsylvania 19101

NRC Project Director: Charles L. Miller

Power Authority of The State of New York, Docket No. 50-286, Indian PointNuclear Generating Unit No. 3, Westchester County, New York

Date of amendment request: July 17, 1992

Description of amendment request: The licensee intends to operate on 24-month fuel cycles, instead of the current 18-month fuel cycles, starting with cycle nine. Cycle nine started in August 1992. In order to accommodate operation on 24-month cycles, the licensee proposed a Technical Specifications (TS) amendment to incorporate the changes listed below:

(1) The licensee proposed changing the frequency of testing the automatic actuation of the containment isolation system (specified in TS Table 4.1-3) to accommodate operation on a 24-month cycle.

(2) The licensee proposed changing the frequency of sensitive leakage rate and containment isolation valve testing (specified in TS Section 4.4) to accommodate operation on a 24-month cycle.

(3) The licensee proposed changing the frequency of testing the containment spray system (specified in TS Section 4.5) to accommodate operation on a 24-month cycle.

(4) The licensee proposed changing the frequency of testing the spray additive valves (specified in TS Section 4.5) to accommodate operation on a 24-month cycle.

(5) The licensee has proposed changing the acceptance criteria for the combined containment leakage rate from 0.6 L_a value of 0.5 L_a. The more conservative leakage rate is required to accommodate operation on a 24-month cycle.

These changes follow the guidance provided in Generic Letter 91-04, "Changes in Technical Specification Surveillance Intervals to Accommodate a 24-Month Fuel Cycle," as applicable.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

(1) Does the proposed license amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response:

The proposed changes do not involve a significant increase in the probability or consequences of a previously-analyzed accident. These changes propose extending the surveillance intervals for containment systems testing. The changes do not involve any physical changes to the plant, nor do they alter the way any equipment functions. Other system testing (e.g., on-line tests) provides assurance of system operability. An evaluation of past equipment performance provides additional assurance that the longer surveillance intervals will not degrade system performance. For containment isolation valve leakage testing the 25% increase in the surveillance interval [24 to 30 months] for containment leak rate testing is compensated for by a proportionate increase in the margin between the specified leakage limit and the allowable leakage limit. Also, containment isolation valve redundancy (two valves in series) provides additional assurance that leakage would be lower than test results would indicate.

(2) Does the proposed license amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response:

The proposed license amendment does not create the possibility of a new or different kind of accident. These changes propose extending the surveillance intervals for containment systems testing. The changes do not involve any physical changes to the plant, nor do they alter the way any equipment functions. Other system testing (e.g., on-line tests) provides assurance of system operability. An evaluation of past equipment performance provides additional assurance that the longer surveillance intervals will not degrade system performance. For containment isolation valve leakage testing, the 25% increase in the surveillance interval [24 to 30 months] for containment leak rate testing is compensated for by a proportionate increase in the margin between the specified leakage limit and the allowable leakage limit. Also, containment isolation valve redundancy (two valves in series) provides additional assurance that leakage would be lower than test results would indicate.

(3) Does the proposed amendment involve a significant reduction in a margin of safety?

Response:

The proposed amendment does not involve a significant reduction in a margin of safety. These changes propose extending the surveillance intervals for containment systems testing. Other system testing (e.g., on-line tests) provides assurance of system operability. An evaluation of past equipment performance provides additional assurance that the longer surveillance intervals will not degrade system performance. For containment isolation valve leakage testing, the 25% increase in the surveillance interval [24 to 30 months] for containment leak rate testing is compensated for by a proportionate increase in the margin between the specified leakage limit and the allowable leakage limit. Also, containment isolation valve redundancy (two valves in series) provides additional assurance that leakage would be lower than test results would indicate.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: White Plains Public Library, 100 Martine Avenue, White Plains, New York 10601.

Attorney for licensee: Mr. Charles M. Pratt, 10 Columbus Circle, New York, New York 10019.

NRC Project Director: Robert A. Capra

Public Service Electric & Gas Company, Docket Nos. 50-272 and 50-311, Salem Nuclear Generating Station, Unit Nos. 1 and 2, Salem County, New Jersey

Date of amendment request: April 24, 1992

Description of amendment request: This amendment request proposes changes to Technical Specification 3/4.5.2, "ECCS Subsystems - Tavg greater than or equal to 350 °F", Surveillance Requirements 4.5.2.f and 4.5.2.h. InSection 4.5.2.f, the proposed changes would replace the use of the pump discharge pressure with the total dynamic head. This change would provide the licensee with greater operational flexibility. In Section 4.5.2.h, the proposed changes would modify the maximum allowed and minimum required flows from the centrifugal charging pumps and the safety injection pumps and would allow flow measurement uncertainties to be directly applied to the flow

measurements. This change will allow the licensee to reduce the operational manipulations in performing these surveillance tests. Because these changes impact the emergency core cooling systems (ECCS) at Salem, the licensee has determined the affect of the changes on the accident analyses, including non-Loss-of-Coolant-Accidents (LOCAs), steam generator tube ruptures (SGTR), small break LOCAs, large break LOCAs and containment integrity. In addition, the impact on the low temperature overpressure protection requirements was determined. The licensee also has proposed to update the Bases section to reflect the above changes.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

The proposed changes to the Salem Generating Station Technical Specifications:

1. Do not involve a significant increase in the probability or consequences of an accident previously evaluated.

The evaluation performed by Westinghouse has determined that the proposed changes will not challenge the operability of the subject pumps nor result in violation of any safety analysis criteria.

Although there would be a relatively minor increase in the runout flows, the increased flows would have no effect on the long-term mechanical and hydraulic performance of the pumps.

Since design limitations continue to be met and the integrity of the reactor coolant system pressure boundary is not challenged, the assumptions employed in the calculation of the offsite radiological doses remain valid.

The Westinghouse evaluation determined that all safety analysis acceptance criteria are met when using the revised flow rates. With respect to the LOCA accidents, the [peak clad temperature] PCT continues to conform to 10 CFR 50.46 requirements. The offsite doses for a SGTR event remain within 10 CFR [Part] 100 guidelines. The evaluation of a main steam line break and LOCA mass and energy releases demonstrated that the present mass and energy releases are acceptable and that the containment responses and all licensing conclusions remain valid. Since the design limitations continue to be met and the integrity of the reactor coolant system pressure boundary is not challenged, the assumption employed in the calculation of the offsite radiological doses remain valid. The consequences of the LOCA, non-LOCA, and SGTR accidents considered in the Salem, Units 1 and 2, licensing basis remain unchanged.

Based on the above information, the proposed changes would not increase the probability or consequences of a previously analyzed accident.

2. Do not create the possibility of a new or different kind of accident from any previously evaluated.

The relatively minor increase in runout flows would have no effect on the long-term mechanical and hydraulic performance of the pumps. It has been determined that the respective pump's operability will not be challenged. No new single failures were discovered, nor were any new accident initiators found. The proposed changes will therefore not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Do not involve a significant reduction in a margin of safety.

The evaluation of LOCA, non-LOCA, and SGTR accident analyses performed by Westinghouse has verified that with the proposed changes to the Technical Specifications, plant operation would be maintained within the bounds of safe, analyzed conditions as defined in the FSAR and the conclusions presented in the FSAR [Final Safety Analysis Report] would remain valid. The analysis acceptance criteria would continue to be met with the revised ECCS performance characteristics. The proposed changes would therefore not reduce a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Salem Free Public library, 112 West Broadway, Salem, New Jersey 08079

Attorney for licensee: Mark J. Wetterhahn, Esquire, Winston and Strawn, 1400 L Street, N.W., Washington, D.C., 20005-3502

NRC Project Director: Charles L. Miller

Public Service Electric & Gas Company, Docket Nos. 50-272 and 50-311, Salem Nuclear Generating Station, Unit Nos. 1 and 2, Salem County, New Jersey

Date of amendment request: May 11, 1992 and Supplement dated July 16, 1992.

Description of amendment request: The proposed changes revise the Reactor Trip System (RTS) and Engineered Safety Features Actuation System (ESFAS) Instrument Sections and associated Bases for Surveillance Test Intervals (STS) and Allowed Outage Times (AOT). These changes are line item improvements previously approved by the NRC and documented in Safety Evaluations for WCAP-10271 and Supplement 1, WCAP-10271 Supplement 2 and Supplement 2, Revision 1. Changes are also proposed to the Semi-Automatic Transfer to Recirculation on Refueling Water Storage Tank (RWST) Low Level. This Functional Unit is not part of the program covered in the WCAP and was analyzed on a plant specific basis.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

The proposed Technical Specification changes:

1. Do not involve a significant increase in the probability or consequences of an accident previously evaluated.

[Safety Evaluations] issued for WCAP-10271, WCAP-10271 Supplement 1, WCAP-10271 Supplement 2, and WCAP-10271 Supplement 2, Revision 1 document the determination that the proposed changes are within acceptable limits. Implementation of the proposed changes decreases the total Reactor Protection System (RPS) yearly availability, primarily due to less frequent surveillance testing. Decreased availability causes a higher probability of Anticipated Transient Without Scram (ATWS), with an associated increase in the core melt contribution resulting from an AWTS. Decreased ESFAS availability slightly increases the [Core Damage Frequency] CDF.

The proposed changes result in a significant reduction in the core melt probability from inadvertent reactor trips. This reduction is primarily attributable to less frequent surveillance testing.

The reduction in inadvertent reactor trip core melt frequency is large enough to counter the increase in ATWS core melt probability, resulting in an overall reduction in total core melt probability.

The [Westinghouse Owners Group] WOG determined values for the increase in CDF were documented in the WCAP, and independently verified by Brookhaven National Laboratory, as part of an NRC Staff audit and sensitivity analysis. Based on the small increase in CDF compared to the range of uncertainty, the increase is considered acceptable. Salem Function Unit 9, evaluated on a plant-specific basis, falls within the same criteria and is considered acceptable.

Therefore, it may be concluded that the proposed changes do not increase the severity or consequences of an accident previously evaluated. The proposed changes do affect the probability of RPS failure, but do not alter the manner in which protection is afforded, nor the manner in which limiting criteria are established.

2. Do not create the possibility of a new or different kind of accident from any previously evaluated.

The proposed changes do not involve hardware modifications or result in changes to [Reactor Protection System] RPS provided plant protection. RPS functionally is not altered.

Therefore, it may be concluded that the proposed changes do not create the possibility of a new or different kind of accident from any previously evaluated.

3. Do not involve a significant reduction in a margin of safety.

The proposed changes do not alter the manner in which Safety Limits, Limiting Safety System Setpoints, or Limiting Conditions for Operation are determined. The

impact of reduced testing is a longer time interval over which instrument uncertainties (e.g., drift) may act. Experience indicates that the initial uncertainty assumptions are valid for reduced testing.

Therefore, it may be concluded that the proposed changes do not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Salem Free Public library, 112 West Broadway, Salem, New Jersey 08079

Attorney for licensee: Mark J. Wetterhahn, Esquire, Winston and Strawn, 1400 L Street, N.W., Washington, D.C., 20005-3502

NRC Project Director: Charles L. Miller

Toledo Edison Company, Centerior Service Company, and The Cleveland Electric Illuminating Company, Docket No. 50-346, Davis-Besse Nuclear Power Station, Unit No. 1, Ottawa County, Ohio

Date of amendment request: May 1, 1992

Description of amendment request: The proposed amendment would revise Technical Specification (TS) 3/4.6.1, "Primary Containment," and its Bases to clarify some wording, make it consistent internally, make it consistent with 10 CFR Part 50, Appendix J, and change the action statement for an inoperable containment air lock door to allow continued operation if the other containment air lock door is operable, closed, and locked.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration which is presented below.

Toledo Edison has reviewed the proposed changes and determined that a significant hazards consideration does not exist because operation of the DBNPS Unit Number 1, in accordance with these changes would:

1a. Not involve a significant increase in the probability of an accident previously evaluated because no accident conditions and assumptions are significantly affected by the proposed changes. The proposed change to TS Definition 1.8c reflects that containment integrity is satisfied as long as the requirements of TS 3/4.6.1.3, including its Action statement are satisfied. The proposed change to expand the TS 3/4.6.1.3 Action statement allows continued operation with an inoperable air lock door or with an inoperable air look door interlock mechanism, provided an operable door in the same containment air lock is closed and locked. This would prevent an unwarranted plant shutdown evolution. Each air lock door is designed to provide the containment barrier and is periodically tested to ensure leakage is not excessive. The ability to open the operable air lock door for the purpose of providing the necessary access required to perform repairs on the affected air lock components, provided that the operable door is closed without delay following each entry and exit, has a negligible adverse impact on safety. Containment integrity and containment leakage rates are not significantly impacted by any of the proposed changes. Therefore, none of these proposed changes are associated with the initiation of any design basis accident. The other proposed changes are considered to be administrative in nature.

1b. Not involve a significant increase in the consequences of an accident previously evaluated because no accident conditions and assumptions are affected by the proposed changes. As discussed in item 1a above, the proposed change to TS Definition 1.8c reflects that containment integrity is satisfied as long as the requirements of TS 3/4.6.1.3, including the Action statement, are satisfied. The proposed change to expand the TS 3/4.6.1.3 Action statement allows continued operation with an inoperable air lock door or with an inoperable air lock door interlock mechanism, provided an operable door in the same containment air lock is closed and locked. This would prevent an unwarranted plant shutdown evolution. Since each air lock door is designed to provide the containment barrier and is periodically tested to ensure leakage in not excessive, the change will not significantly increase the radiological consequences of an accident. The ability to open the operable air lock door for the purpose of providing the necessary access required to perform repairs on the affected air lock components, provided that the operable door is closed without delay following each entry and exit, has a negligible adverse impact on safety. As described in the discussion of Effects on Safety, this proposed TS change does not involve an increase in consequences beyond that which exists with the present TS wording. The other proposed changes are considered to be administrative in nature. Since containment integrity and containment leakage rates are not significantly impacted by any of the proposed changes, the radiological consequences of a previously evaluated accident are not significantly increased.

2a. Not create the possibility of a new kind of accident from any accident previously evaluated because no new accident conditions or assumptions are created by the proposed changes. As discussed in item 1a above, the proposed change to TS Definition 1.8c reflects that containment integrity is satisfied as long as the requirements of TS 3/4.6.1.3, including the Action statement, are satisfied. The proposed change to expand the TS 3/4.6.1.3 Action statement allows continued operation with an inoperable air lock door or with an inoperable air lock door interlock, provided an operable door in the same containment air lock is closed and locked. This would prevent an unwarranted plant shutdown evolution. Each air lock door is designed to provide the containment barrier and tested to ensure excessive leakage will not occur. The ability to open the operable air lock door for the purpose of providing the necessary access required to perform repairs on the affected air lock components, provided that the operable door is closed without delay following each entry and exit, has a negligible adverse impact on safety. The other proposed changes are considered to be administrative in nature. Containment integrity and containment leakage rates are not significantly impacted by any of the proposed changes. There is no new failure modes or mechanism associated with the proposed changes. Therefore, none of the proposed changes creates the possibility of a new kind of accident from any accident previously evaluated.

2b. Not create the possibility of a different kind of accident from any accident previously evaluated because no different accident conditions or assumptions are created by the proposed changes. As discussed in item 1a above, the proposed change to TS Definition 1.8c reflects that containment integrity is satisfied as long as the requirements of TS 3/4.6.1.3, including the Action statement, are satisfied. The proposed change to expand the TS 3/4.6.1.3 Action statement allows continued operation with an inoperable air lock door or with an inoperable air lock door interlock, provided an operable door in the same containment air lock is closed and locked. This would prevent an unwarranted plant shutdown evolution. Each air lock door is designed to provide the containment barrier and tested to ensure excessive leakage will not occur. The ability to open the operable air lock door for the purpose of providing the necessary access required to perform repairs on the affected air lock components, provided that the operable door is closed without delay following each entry and exit, has a negligible adverse impact on safety. The other proposed changes are considered to be administrative in nature. Containment integrity and containment leakage rates are not significantly adversely impacted by any of the proposed changes. The proposed changes do not involve any physical changes to the plant. Therefore, none of the proposed changes creates the possibility of a different kind of accident from any accident previously evaluated.

3. Not involve a significant reduction in a margin of safety because each air lock door is designed to provide the containment barrier. Containment integrity is maintained except for the short period of time allowed for necessary access through an operable air lock door (as described above), and containment leakage rates and containment air lock leakage rates are not significantly adversely affected by any of the proposed changes.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request

involves no significant hazards consideration.

Local Public Document Room location: University of Toledo Library, Documents Department, 2801 Bancroft Avenue, Toledo, Ohio 43606.

Attorney for licensee: Gerald Charnoff, Esquire, Shaw, Pittman, Potts and Trowbridge, 2300 N Street, N.W., Washington, DC 20037.

NRC Project Director: John N. Hannon

Toledo Edison Company, Centerior Service Company, and The Cleveland Electric Illuminating Company, Docket No. 50-346, Davis-Besse Nuclear Power Station, Unit No. 1, Ottawa County, Ohio

Date of amendment request: May 1, 1992

Description of amendment request: The proposed amendment would revise Technical Specification (TS) 3/4.1.1.2, "Reactivity Control Systems-Boron Dilution," and its Bases. The change would allow the addition of water of lower boron concentration than the reactor coolant system (RCS) in Mode 6 (refueling) with the RCS flow rate less than 2800 gpm, provided that the boron concentration of the water to be added is greater than the boron concentration corresponding to the more restrictive reactivity condition specified in TS 3.9.1, "Refueling Operations - Boron Concentration."

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration which is presented below:

Toledo Edison has reviewed the proposed change and determined that a significant hazard consideration does not exist because operation of the Davis-Besse Nuclear Power Station, Unit Number 1, in accordance with these changes would:

1a. Not involve a significant increase in the probability of an accident previously evaluated because no accident conditions or assumptions are significantly affected by the proposed changes. The proposed change to Technical Specification (TS) 3.1.1.2 adds an exception, applicable only in Mode 6, that allows water of a lower boron concentration than the Reactor Coolant System (RCS) to be added to the RCS with the flow rate of reactor coolant through the RCS less than 2800 gpm, provided that the water to be added meets the requirements of TS 3.9.1. TS 3.9.1 requires that in Mode 6, the boron concentration of all filled portions of the RCS and the refueling canal shall be maintained uniform and sufficient to ensure that the more restrictive of two reactivity conditions is met. If the RCS meets these reactivity condition requirements, and water is added to the RCS that also meets the reactivity condition requirements of TS 3.9.1, then the RCS is assured to remain in compliance with the reactivity condition requirements. The possibility that the added water may be of lower boron concentration than the RCS is, therefore, of no adverse consequence to safety. There is no effect on the initial conditions assumed for the boron dilution incident in the accident analysis.

The proposed change to TS Bases 3/4.1.1.2 is considered to be administrative in nature.

1b. Not involve a significant increase in the consequences of an accident previously evaluated because no accident conditions or assumptions are affected by the proposed changes. As discussed in item 1a. above, the proposed addition of the exception to TS 3.1.1.2 will not cause a condition that would result in the RCS not meeting the requirements of TS 3.9.1. The proposed changes do not alter the source term, containment isolation, or allowable releases. The proposed changes, therefore, will not increase the radiological consequences of a previously evaluated accident.

The proposed change to TS Bases 3/4.1.1.2 is considered to be administrative in nature.

2a. Not create the possibility of a new kind of accident from any accident previously evaluated because no new accident initiators or assumptions are introduced by the proposed changes. The proposed change does not alter any accident scenarios. As discussed in item 1a. above, the proposed addition of the exception to TS 3.1.1.2 will not cause a condition that would result in the RCS not meeting the requirements of TS 3.9.1. The proposed change to TS Bases 3/4.1.1.2 is considered to be administrative in nature. None of the proposed changes creates the possibility of a new kind of accident from any accident previously evaluated.

2b. Not create the possibility of a different kind of accident from any accident previously evaluated because no different accident initiators or assumptions are introduced by the proposed changes. The proposed changes do not alter any accident scenarios. As discussed in item 1a. above, the proposed addition of the exception to TS 3.1.1.2 will not cause a condition that would result in the RCS not meeting the requirements of TS 3.9.1. The proposed change to TS Bases 3/4.1.1.2 is considered to be administrative in nature. None of the proposed changes creates the possibility of a different kind of accident from any accident previously evaluated.

3. Not involve a significant reduction in the margin of safety because the proposed change to TS 3.1.1.2, as described above, will not cause a condition that would result in the RCS not meeting the requirements of TS 3.9.1. The margin of safety will be maintained by adhering to the limits specified in that TS. The proposed change to TS Bases 3/4.1.1.2 is considered to be administrative in nature.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: University of Toledo Library, Documents Department, 2801 Bancroft Avenue, Toledo, Ohio 43606.

Attorney for licensee: Gerald Charnoff, Esquire, Shaw, Pittman, Potts and Trowbridge, 2300 N Street, N.W., Washington, DC 20037.

NRC Project Director: John N. Hannon

Toledo Edison Company, Centerior Service Company, and The Cleveland Electric Illuminating Company, Docket No. 50-346, Davis-Besse Nuclear Power Station, Unit No. 1, Ottawa County, Ohio

Date of amendment request: May 1, 1992

Description of amendment request: The proposed amendment would revise Technical Specification (TS) 3/4.4.6.2, "Reactor Coolant System-Operational Leakage," and its Bases. The changes would clarify the applicability of TS 4.0.4 exceptions, specify the allowed usage of the containment atmosphere gaseous radioactivity monitoring system as an alternate method of determining the presence of reactor coolant system (RCS) leakage, and clarify other existing wording. The proposed revisions to the Bases clarify that leakage from the RCS pressure isolation valves is "identified leakage" under TS 3/4.4.6.2 and is considered a portion of the allowed limit.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration which is presented below:

Toledo Edison has reviewed the proposed changes and determined that a significant hazards consideration does not exist because operation of the DBNPS Unit Number 1, in accordance with these changes would:

1a. Not involve a significant increase in the probability of an accident previously evaluated because no accident conditions or assumptions are affected. These proposed changes to TS 3/4.4.6.2 and TS Bases 3/4.4.6.2 do not alter the manner in which equipment is operated or maintained and, therefore, have no effect on the probability of an accident.

1b. Not involve a significant increase in the consequences of an accident previously evaluated because no equipment accident conditions or assumptions are affected which could lead to a change in consequences. These proposed changes to TS 3/4.4.6.2 and TS Bases 3/4.4.6.2 do not alter the source term, containment isolation or allowable releases and therefore have no effect on the consequences of an accident previously evaluated.

2a. Not create the possibility of a new kind of accident from any accident previously evaluated because no new accident conditions, failure mechanisms, or assumptions are introduced by these proposed changes. On matters related to nuclear safety, all accidents remain bounded

by previous analysis and no new malfunctions are involved.

2b. Not create the possibility of a different kind of accident from any accident previously evaluated because no different accident conditions, failure mechanisms or assumptions are introduced by these proposed changes. Plant operation continues to be limited to those conditions assumed in the safety analysis. Therefore, these proposed changes do not create the possibility of a different kind of accident from any accident previously evaluated.

3. Not involve a significant reduction in a margin of safety because the operational leakage limits are not changed and the proposed changes do not significantly reduce or adversely affect the capabilities of any plant systems.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: University of Toledo Library, Documents Department, 2801 Bancroft Avenue, Toledo, Ohio 43606.

Attorney for licensee: Gerald Charnoff, Esquire, Shaw, Pittman, Potts and Trowbridge, 2300 N Street, N.W., Washington, DC 20037.

NRC Project Director: John N. Hannon

Virginia Electric and Power Company, Docket Nos. 50-280 and 50-281, Surry Power Station, Unit Nos. 1 and 2, Surry County, Virginia

Date of amendment request: July 28, 1992

Description of amendment request: The proposed changes would (1) delete the operability and surveillance requirements of the hydrogen monitor from the explosive gas monitoring instrumentation requirements for the waste gas holdup system, (2) include a requirement to submit a special report to the NRC if the oxygen concentration in a waste gas decay tank (WGDT) exceeds the Technical Specification limit and is not returned to below that limit within the specified time, and (3) include administrative changes to achieve consistency.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

The operation of Surry Power Station in accordance with the proposed Technical Specification changes would ensure an explosive gas mixture does not develop in the waste gas holdup system and consequently would not:

1. Involve a significant increase in the probability or consequences of an accident previously evaluated. The probability of a hydrogen explosion in the waste gas holdup system is not increased, since the contents of the system will continue to be monitored to ensure oxygen remains below explosive limits. The consequences of an accident are not increased, since the rupture and total release of the contents of the WGDT have been previously considered in the [Updated Final Safety Analysis Report (UFSAR)] and determined to be within 10 CFR [Part] 100 site boundary dose limits.

2. Create the possibility of a new or different kind of accident from any previously evaluated. The proposed change does not create a new failure mode. The waste gas holdup system will continue to be operated in its present manner and monitored to ensure an explosive gas mixture does not develop. Therefore, no new accidents or malfunction scenarios are introduced by this change. No accident consequences other than those previously evaluated in the UFSAR are introduced by this change. Furthermore, this change does not affect any accident analysis assumption.

3. Involve a significant reduction in a margin of safety. The explosive gas mixture limitations on the contents of the waste gas holdup system remain in place and are appropriately monitored. Furthermore, failure of the WGDT has been previously analyzed in the UFSAR and the proposed changes do not alter the conclusions of the existing analysis. Therefore, the safety margin is not reduced.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Swem Library, College of William and Mary, Williamsburg, Virginia 23185.

Attorney for licensee: Michael W. Maupin, Esq., Hunton and Williams, Post Office Box 1535, Richmond, Virginia 23213.

NRC Project Director: Herbert N. Berkow

Notice Of Issuance Of Amendment To Facility Operating License

During the period since publication of the last biweekly notice, the Commission has issued the following amendments. The Commission has determined for each of these amendments that the application complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

Notice of Consideration of Issuance of Amendment to Facility Operating License and Proposed No Significant Hazards Consideration Determination and Opportunity for Hearing in connection with these actions was published in the **Federal Register** as indicated. No request for a hearing or petition for leave to intervene was filed following this notice.

Unless otherwise indicated, the Commission has determined that these amendments satisfy the criteria for categorical exclusion in accordance with 10 CFR 51.22. Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared for these amendments. If the Commission has prepared an environmental assessment under the special circumstances provision in 10 CFR 51.12(b) and has made a determination based on that assessment, it is so indicated.

For further details with respect to the action see (1) the applications for amendments, (2) the amendments, and (3) the Commission's related letters, Safety Evaluations and/or Environmental Assessments as indicated. All of these items are available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, D.C., and at the local public document rooms for the particular facilities involved. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Director, Division of Reactor Projects.

Commonwealth Edison Company, Docket Nos. STN 50-454 and STN 50-455, Byron Station, Unit Nos. 1 and 2, Ogle County, IllinoisDocket Nos. STN 50-456 and STN 50-457, Braidwood Station, Unit Nos. 1 and 2, Will County, Illinois

Date of application for amendments: November 30, 1988, as supplemented May 30, 1990, April 19, 1991, and February 27, 1992.

Brief description of amendments: This amendment revises the Technical Specifications (TS) based on the recommendations provided by Generic Letter (GL) 87-09 related to the applicability of limiting conditions for operations (LCO) and the surveillance requirements of TS 3.0 and 4.0. Changes were also made to clarify when measurements of the axial target flex difference, the heat flux hot channel factor, the Reactor Coolant System flow

rate, and the nuclear enthalpy rise hot channel factor will be performed. Several administrative changes were made to eliminate cycle 1 specific information which is no longer applicable.

Date of issuance: August 11, 1992

Effective date: August 11, 1992

Amendment Nos.: 49, 49, 38, and 38

Facility Operating License Nos. NPF-37, NPF-66, NPF-72 and NPF-77: The amendments revised the Technical Specifications.

Date of initial notice in **Federal Register:** March 20, 1991 (56 FR 11775), May 15, 1991 (56 FR 22462), and June 10, 1992 (57 FR 24665)The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated August 11, 1992. No significant hazards consideration comments received: No

Local Public Document Room location: For Byron, the Byron Public Library, 109 N. Franklin, P.O. Box 434, Byron, Illinois 61010; for Braidwood, the Wilmington Township Public Library, 201 S. Kankakee Street, Wilmington, Illinois 60481.

Consolidated Edison Company of New York, Docket No. 50-247, Indian PointNuclear Generating Unit No. 2, Westchester County, New York

Date of application for amendment: December 30, 1991, as supplemented July 13, 1992.

Brief description of amendment: The amendment would modify the Control Room Air Filtration System Technical Specification to delete the requirement to monitor hydrogen cyanide and to increase the ammonia monitor alarm/trip setpoint from 3.5 ppm to 25 ppm.

Date of issuance: August 11, 1992

Effective date: August 11, 1992

Amendment No.: 157

Facility Operating License No. DPR-26: Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** February 5, 1992 (57 FR 4485) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated August 11, 1992.No significant hazards consideration comments received: No

Local Public Document Room location: White Plains Public Library, 100 Martine Avenue, White Plains, New York 10610.

Detroit Edison Company, Docket No. 50-341, Fermi-2, Monroe County, Michigan

Date of application for amendment: January 28, 1992

Brief description of amendment: The amendment revises Technical Specification 3/4.7.5 to provide an alternate snubber visual inspection interval in accordance with Generic Letter 90-09.

Date of issuance: July 31, 1992

Effective date: Effective as of the date of its issuance with full implementation within 45 days of issuance.

Amendment No.: 84

Facility Operating License No. NPF-43. The amendment revises the Technical Specifications.

Date of initial notice in **Federal Register:** May 27, 1992 (57 FR 22261) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated July 31, 1992.No significant hazards consideration comments received: No.

Local Public Document Room location: Monroe County Library System, 3700 South Custer Road, Monroe, Michigan 48161.

Detroit Edison Company, Docket No. 50-341, Fermi-2, Monroe County, Michigan

Date of application for amendment: January 29, 1992

Brief description of amendment: The amendment revises Technical Specification 4.9.6.a to allow the use of a General Electric Model NF-500 refueling mast and revises the slack cable cutoff surveillance set point.

Date of issuance: August 18, 1992

Effective date: Effective as of the date of its issuance with full implementation within 30 days of issuance.

Amendment No.: 86

Facility Operating License No. NPF-43. The amendment revises the Technical Specifications.

Date of initial notice in **Federal Register:** April 29, 1992 (57 FR 18173) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated August 18, 1992.No significant hazards consideration comments received: No.

Local Public Document Room location: Monroe County Library System, 3700 South Custer Road, Monroe, Michigan 48161.

Duke Power Company, et al., Docket Nos. 50-413 and 50-414, Catawba Nuclear Station, Units 1 and 2, York County, South Carolina

Date of application for amendments: May 19, 1992, as supplemented June 15, 1992

Brief description of amendments: The amendments revise the Technical Specifications (TSs) to allow the use of the B&W sleeving process as described in BAW-2045P, Revision 1, "Recirculating Steam Generator Kinetic Sleeve Qualification for 3/4 Inch OD Tubes." This revision to the topical allows sleeving to be used in the tube support plate region, as well as in the tube sheet region, which is currently allowed by TS 4.4.5.4.

Date of issuance: August 14, 1992

Effective date: August 14, 1992

Amendment Nos.: 99 and 93

Facility Operating License Nos. NPF-35 and NPF-52: Amendments revised the Technical Specifications.

Date of initial notice in **Federal Register:** July 8, 1992 (57 FR 30248) The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated August 14, 1992.No significant hazards consideration comments received: No.

Local Public Document Room location: York County Library, 138 East Black Street, Rock Hill, South Carolina 29730

Duke Power Company, et al., Docket Nos. 50-413 and 50-414, Catawba Nuclear Station, Units 1 and 2, York County, South Carolina

Date of application for amendments: May 14, 1992, as supplemented August 5, 1992

Brief description of amendments: The amendments revise the Technical Specification Surveillance Requirement 4.8.2.1.1.d which will permit the service test of battery 2EBD to be conducted during power operation on a one-time basis.

Date of issuance: August 17, 1992

Effective date: August 17, 1992

Amendment Nos.: 100 and 94

Facility Operating License Nos. NPF-35 and NPF-52: Amendments revised the Technical Specifications.

Date of initial notice in **Federal Register:** May 27, 1992 (57 FR 22262) The August 5, 1992, letter provided clarifying information that did not change the initial proposed not significant hazards consideration determination.The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated August 17, 1992.No significant hazards consideration comments received: No.

Local Public Document Room location: York County Library, 138 East Black Street, Rock Hill, South Carolina 29730

Entergy Operations, Inc., System Energy Resources, Inc., South Mississippi Electric Power Association, and Mississippi Power & Light Company, Docket No. 50-416, Grand Gulf Nuclear Station, Unit 1, Claiborne County, Mississippi

Date of application for amendment: April 30, 1992

Brief description of amendment: The amendment revised the Grand Gulf Nuclear Station Technical Specifications

(TS) by adding new surveillance requirements for the reactor protection system and the control rod block instrumentation and by making clarifying editorial changes to the source range monitor TS.

Date of issuance: August 10, 1992

Effective date: August 10, 1992

Amendment No: 101

Facility Operating License No. NPF-29. Amendment revises the Technical Specifications.

Date of initial notice in **Federal Register:** May 27, 1992 (57 FR 22262) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated August 10, 1992 No significant hazards consideration comments received: No

Local Public Document Room location: Judge George W. Armstrong Library, Post Office Box 1406, S. Commerce at Washington, Natchez, Mississippi 39120.

Florida Power and Light Company, Docket Nos. 50-250 and 50-251, Turkey Point Plant Units 3 and 4, Dade County, Florida

Date of application for amendments: April 21, 1992, as supplemented May 19, June 2 and July 29, 1992

Brief description of amendments: These amendments permit the addition of one definite time delay relay per channel in the existing non-safety injection degraded voltage protection scheme for safety-related load centers, and eliminate the reference in the Technical Specifications to a specific type of relay used in the degraded voltage protection scheme.

Date of issuance: August 20, 1992

Effective date: August 20, 1992

Amendment Nos. 152, 147Facility Operating Licenses Nos. DPR-31 and DPR-41: Amendments revised the Technical Specifications.

Date of initial notice in **Federal Register:** June 10, 1992 (57 FR 24669) The June 2 and July 29, 1992 letters provided supplemental information which did not change the staff's initial determination of no significant hazards consideration. The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated August 20, 1992.No significant hazards consideration comments received: No

Local Public Document Room location:

Florida International University, University Park, Miami, Florida 33199.

Georgia Power Company, Oglethorpe Power Corporation, Municipal Electric Authority of Georgia, City of Dalton, Georgia, Docket Nos. 50-424 and 50-425, Vogtle Electric Generating Plant, Units 1 and 2, Burke County, Georgia

Date of application for amendments: May 3, 1991, as supplemented August 19 and October 11, 1991, and July 20, 1992.

Brief description of amendments: The amendments revise Technical Specification 3.6.3, "Containment Isolation Valves," to add a footnote stating that isolation valves associated with the containment hydrogen monitors may be opened on an intermittent basis under administrative control. The Bases for Technical Specification 3.6.3 is also revised.

Date of issuance: August 20, 1992

Effective date: August 20, 1992

Amendment Nos.: 53 and 32

Facility Operating License Nos. NPF-68 and NPF-81: Amendments revised the Technical Specifications.

Date of initial notice in **Federal Register:** June 26, 1991 (56 FR 29277) The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated August 20, 1992.No significant hazards consideration comments received: No.

Local Public Document Room location: Burke County Library, 412 Fourth Street, Waynesboro, Georgia 30830

Georgia Power Company, Oglethorpe Power Corporation, Municipal Electric Authority of Georgia, City of Dalton, Georgia, Docket Nos. 50-424 and 50-425, Vogtle Electric Generating Plant, Units 1 and 2, Burke County, Georgia

Date of application for amendments: April 28, 1992, as supplemented July 20, 1992

Brief description of amendments: The amendments revise the surveillance interval for periodic disassembly and inspection of the steam admission valves associated with the turbine overspeed protection system

Date of issuance: August 20, 1992

Effective date: August 20, 1992

Amendment Nos.: 54, 33

Facility Operating License Nos. NPF-68 and NPF-81: Amendments revised the Technical Specifications.

Date of initial notice in **Federal Register:** June 24, 1992 (57 FR 28201) The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated August 20, 1992. No significant hazards consideration comments received: No.

Local Public Document Room location: Burke County Library, 412 Fourth Street, Waynesboro, Georgia 30830

Houston Lighting & Power Company, City Public Service Board of San Antonio,Central Power and Light Company, City of Austin, Texas, Docket Nos. 50-498 and 50-499, South Texas Project, Units 1 and 2, Matagorda County, Texas

Date of amendment request: August 30, 1991, as supplemented by letter dated January 24, 1992.

Brief description of amendments: The amendments change the Technical Specifications (TS) by making editorial changes to TS 3.2.1 which clarify the Action Statement; deleting the requirement of TS 4.2.1.1 to monitor indicated axial flux difference (AFD) each hour for 24 hours following restoration of the AFD monitor alarm; and clarifying the surveillance requirement of TS 4.2.4.2 regarding the use of symmetric movable incore detectors.

Date of issuance: August 18, 1992

Effective date: August 18, 1992, to be implemented within 10 days of issuance.

Amendment Nos.: Amendment Nos. 30 and 30

Facility Operating License Nos. NPF-76 and NPF-80: Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** October 16, 1991 (56 FR 51926). The January 24, 1992, supplement provided an implementation date and did not change the initial no significant hazards consideration determination.The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated August 18, 1992.No significant hazards consideration comments received: No.

Local Public Document Room location: Wharton County Junior College, J. M. Hodges Learning Center, 911 Boling Highway, Wharton, Texas 77488

Houston Lighting & Power Company, City Public Service Board of San Antonio, Central Power and Light Company, City of Austin, Texas, Docket No. 50-498, South Texas Project, Unit 1, Matagorda County, Texas

Date of amendment request: May 26, 1992

Brief description of amendments: The amendment changes the Technical Specifications to provide for a one-time extension of the 40-month inspection interval for the Unit 1 turbine valves to approximately 52 months.

Date of issuance: August 18, 1992

Effective date: August 18, 1992, to be implemented within five days of issuance.

Amendment No.: Amendment No. 40

Facility Operating License No. NPF-76: Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** June 24, 1992 (57 FR 28202). The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated August 18, 1992.No significant hazards consideration comments received: No.

Local Public Document Room location: Wharton County Junior College, J. M. Hodges Learning Center, 911 Boling Highway, Wharton, Texas 77488

Houston Lighting & Power Company, City Public Service Board of San Antonio, Central Power and Light Company, City of Austin, Texas, Docket No. 50-498 South Texas Project, Unit 1, Matagorda County, Texas

Date of amendment request: June 12, 1990, as supplemented by letter of July 17, 1991.

Brief description of amendments: The amendment changes Appendix A Technical Specifications by deleting the autoclosure interlock portion of the Surveillance Requirements pertaining to TS 3/4.5.6, Residual Heat Removal System.

Date of issuance: August 19, 1992

Effective date: August 19, 1992, to be implemented prior to restart from the fourth refueling outage which is scheduled to begin in September 1992.

Amendment No.: Amendment No. 41

Facility Operating License No. NPF-76: Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** August 22, 1990 (55 FR 34371) The July 17, 1991, letter provided clarifying information that did not change the initial proposed no significant hazards consideration determination.The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated August 19, 1992No significant hazards consideration comments received: No.

Local Public Document Room location: Wharton County Junior College, J. M. Hodges Learning Center, 911 Boling Highway, Wharton, Texas 77488

Houston Lighting & Power Company, City Public Service Board of San Antonio, Central Power and Light Company, City of Austin, Texas, Docket Nos. 50-498 and 50-499, South Texas Project, Units 1 and 2, Matagorda County, Texas

Date of amendment request: October 30, 1990, as supplemented by letter dated September 25, 1991.

Brief description of amendments: The amendments change the Technical Specifications to remove references to requirements for the Spray Additive System for Unit 1 and add requirements for the Recirculation Fluid pH Control System. Comparable changes were made for Unit 2 in October 1991.

Date of issuance: August 21, 1992 Effective date: August 21, 1992, to be implemented prior to restart from the Unit 1 fourth refueling outage scheduled to begin in September 1992.Amendment Nos.: Amendment Nos. 42 and 31.

Facility Operating License Nos. NPF-76 and NPF-80: Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** September 23, 1991 (56 FR 47971). The September 25, 1991, letter provided clarifying information that did not change the initial proposed no significnt hazards consideration determination.The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated August 21, 1992.No significant hazards consideration comments received: No.

Local Public Document Room location: Wharton County Junior College, J. M. Hodges Learning Center, 911 Boling Highway, Wharton, Texas 77488

Indiana Michigan Power Company, Docket No. 50-315 Donald C. Cook Nuclear Plant, Unit No. 1, Berrien County, Michigan

Date of application for amendment: March 27, 1992 as supplemented April 21, May 21, and July 29, 1992.

Brief description of amendment: The amendment changes TS Sections 4.4.5.2, 3.4.6.2, and the Bases 3/4.4.5, 3/4.4.6.2 and 3/4.4.8 to allow the implementation of interim steam generator tube plugging criteria for the tube support plate elevations. The amendment also reduces the allowed primary-to-secondary operational leakage from any one steam generator from 500 gallons per day to 150 gallons per day. The total allowed primary-to-secondary operation leakage through all steam generators is valued from one gallon per minute (1440 gallons per day) to 42 gallons per minute (600 gallons per day). This amendment is only applicable for fuel Cycle 13.

Date of issuance: July 29, 1992

Effective date: July 29, 1992

Amendment No.: 166

Facility Operating License No. DPR-58. Amendments revised the Technical Specifications.

Date of initial notice in **Federal Register:** June 9, 1992 (57 FR 24517). The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated July 29, 1992.No significant hazards consideration comments received: No.

Local Public Document Room location: Maude Preston Palenske Memorial Library, 500 Market Street, St. Joseph, Michigan 49085.

Maine Yankee Atomic Power Company, Docket No. 50-309, Maine Yankee Atomic Power Station, Lincoln County, Maine

Date of application for amendment: May 8, 1992.

Brief description of amendment: This amendment changes Technical Specification (TS) 1.4D by (1) removing reference to the containment air recirculation system providing post-accident containment atmosphere mixing, and (2) removing reference to construction requirements that have been satisfied and incorporated into the Final Safety Analysis Report (FSAR). (The tense of TS 1.4D is corrected to reflect construction completion.)

Date of issuance: August 10, 1992

Effective date: August 10, 1992

Amendment No.: 132

Facility Operating License No. DPR-36: Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** July 8, 1992 (57 FR 30250) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated August 10, 1992.No significant hazards consideration comments received: No

Local Public Document Room location: Wiscasset Public Library, High Street, P.O. Box 367, Wiscasset, Maine 04578.

Nebraska Public Power District, Docket No. 50-298, Cooper Nuclear Station, Nemaha County, Nebraska

Date of amendment request: June 16, 1988

Brief description of amendment: The amendment revised the Technical Specifications to clarify the operability requirements of the primary containment oxygen analyzer based on installation of redundant channels in accordance with Regulatory Guide 1.97, and incorporated administrative changes associated with the newly

installed redundant oxygen analyzer system.

Date of issuance: August 12, 1992

Effective date: August 12, 1992

Amendment No.: 153

Facility Operating License No. DPR-46. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** May 27, 1992 (57 FR 22263) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated August 12, 1992.No significant hazards consideration comments received: No.

Local Public Document Room location: Auburn Public Library, 118 15th Street, Auburn, Nebraska 68305.North Atlantic Energy Service Corporation, Docket No. 50-443, Seabrook Station, Rockingham County, New Hampshire

Date of application for amendment: March 20, 1992, as supplemented on June 19, 1992.

Brief description of amendment: This amendment provides for replacement of the Resistance Temperature Detector (RTD) Bypass System for measurement of primary loop temperature with fast-response thermowell-mounted RTDs. Additionally, the changes include specification of a thermal design flow plus a flow measurement uncertainty for primary loop piping, and permit a precision heat balance to be performed above 95 percent of full power instead of 75 percent of full power.

Date of issuance: August 10, 1992

Effective date: August 10, 1992

Amendment No.: 12

Facility Operating License No. NPF-86: Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** April 24, 1992 (57 FR 20516) and renoticed on July 8, 1992 (57 FR 30256). The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated August 10, 1992.No significant hazards consideration comments received: No

Local Public Document Room location: Exeter Public Library, 47 Front Street, Exeter, New Hampshire 03833.

North Atlantic Energy Service Corporation, Docket No. 50-443, Seabrook Station, Rockingham County, New Hampshire

Date of application for amendment: March 20, 1992 as supplemented on June 19, 1992 and July 1, 1992.

Brief description of amendment: This amendment changes the Technical Specifications for the Seabrook Station to decouple the loss of offsite power/safety injection test from the 24-hour diesel generator surveillance run. The test will still be performed, but can be scheduled for a different time during the refueling outage so as to alleviate test scheduling difficulties and the financial burden that would result from an extended outage.

Date of issuance: August 10, 1992Effective date: August 10, 1992

Amendment No.: 13

Facility Operating License No. NPF-86: Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** July 8, 1992 (57 FR 30258) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated August 10, 1992. The supplemental information did not change the significant hazards consideration.No significant hazards consideration comments received: No

Local Public Document Room location: Exeter Public Library, 47 Front Street, Exeter, New Hampshire 03833.

Northeast Nuclear Energy Company, et al., Docket No. 50-423, Millstone Nuclear Power Station, Unit No. 3, New London County, Connecticut

Date of application for amendment: April 28, 1992

Brief description of amendment: The amendment deletes two license conditions for the Millstone 3 operating license which have been satisfied and are no longer necessary. The conditions which are deleted are: (1) 2.C.(5) Inservice Inspection Program, and (2) 2.C.(10) Initial Test Program.

Date of issuance: August 17, 1992

Effective date: August 17, 1992

Amendment No.: 68

Facility Operating License No. NPF-49. Amendment removed conditions from the Operating License.

Date of initial notice in **Federal Register:** July 8, 1992 (57 FR 30253) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated August 17, 1992. No significant hazards consideration comments received: No.

Local Public Document Room location: Learning Resources Center, Thames Valley State Technical College, 574 New London Turnpike, Norwich, Connecticut 06360.

Northern States Power Company, Docket No. 50-263, Monticello NuclearGenerating Plant, Wright County, Minnesota

Date of application for amendment: February 14, 1992

Brief description of amendment: The first change revises reactor protection system technical specifications to eliminate the main steam line high radiation scram and associated reactor vessel isolation function. The second change revises the description of the average power range monitor scram trip function Bases to clarify when bypasses are permissible. The third change relates to the impracticality of performing intermediate range monitor functional testing during Mode 1 operation.

Date of issuance: August 18, 1992

Effective date: August 18, 1992

Amendment No.: 83

Facility Operating License No. DPR-22. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** March 18, 1992 (57 FR 9447) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated August 18, 1992.No significant hazards consideration comments received: No.

Local Public Document Room location: Minneapolis Public Library, Technology and Science Department, 300 Nicollet Mall, Minneapolis, Minnesota 55401.

Pacific Gas and Electric Company, Docket Nos. 50-275 and 50-323, DiabloCanyon Nuclear Power Plant, Unit Nos. 1 and 2, San Luis Obispo County,California

Date of application for amendments: December 26, 1991 (Reference LAR 91-08)

Brief description of amendments: The amendments revise the combined Technical Specifications (TS) for Diablo Canyon Power Plant (DCPP), Unit Nos. 1 and 2, to relocate the list of containment isolation valves from TS Table 3.6-1 to the plant procedures in accordance with the recommendations of NRC Generic Letter 91-08.

Date of issuance: August 10, 1992

Effective date: August 10, 1992

Amendment Nos.: 73 and 72

Facility Operating License Nos. DPR-80 and DPR-82: The amendments revised the Technical Specifications.

Date of initial notice in **Federal Register:** April 15, 1992 (57 FR 13135) The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated August 10, 1992.No significant hazards consideration comments received: No.

Local Public Document Room location: California Polytechnic State University, Robert E. Kennedy Library, Government Documents and Maps Department, San Luis Obispo, California 93407

Pacific Gas and Electric Company, Docket Nos. 50-275 and 50-323, DiabloCanyon Nuclear Power Plant, Unit Nos. 1 and 2, San Luis Obispo County,California

Date of application for amendments: February 14, 1992 (Reference LAR 92-03), as supplemented June 5, 1992

Brief description of amendments: The proposed amendements revise Techinical Specifications (TS) 3/4.8.1, "A.C. Sources, Operating," TS 3/4.8.2, "A.C. Sources, Shutdown," and the associated Bases, regarding emergency diesel generator fuel oil system requirements and storage tank inspection and surveillance.

Date of issuance: August 12, 1992

Effective date: August 12, 1992

Amendment Nos.: 74 and 73

Facility Operating License Nos. DPR-80 and DPR-82: The amendments revised the Technical Specifications.

Date of initial notice in **Federal Register:** April 1, 1992 (57 FR 11113) The June 5, 1992, submittal provided clarifying information and did not affect the proposed no significant hazards consideration determination. The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated August 12, 1992.No significant hazards consideration comments received: No.

Local Public Document Room location: California Polytechnic State University, Robert E. Kennedy Library, Government Documents and Maps Department, San Luis Obispo, California 93407

Philadelphia Electric Company, Public Service Electric and Gas CompanyDelmarva Power and Light Company, and Atlantic City Electric Company,Docket Nos. 50-277 and 50-278, Peach Bottom Atomic Power Station,Unit Nos. 2 and 3, York County, Pennsylvania

Date of application for amendments: May 18, 1992 as supplemented by letter dated July 9, 1992

Brief description of amendments: The amendment changes Section 4.6.D of the Technical Specifications. The amendment changes the inspection and testing requirements for the Main Steam line Safety Valves (SV) and Relief Valves (RV). The changes require that at least one safety valve and five relief valves be checked or replaced with a bench checked valve ever 24-months. Currently, the valves are required to be checked every operating cycle. The changes are proposed in order for the licensee to operate with a 24-month fuel cycle

Additionally, the changes require that one of the relief valves be disassembled and inspected every 24-months. Currently, one relief valve is required to be disassembled and inspected ever refueling outage.

Date of issuance: August 19, 1992

Effective date: August 19, 1992

Amendments Nos.: 169 and 173

Facility Operating License Nos. DPR-44 and DPR-56: Amendments revised the Technical Specifications.

Date of initial notice in **Federal Register:** June 24, 1992 (57 FR 28205) The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated August 19, 1992.No significant hazards consideration comments received: No

Local Public Document Room location: Government Publications Section, State Library of Pennsylvania, (REGIONAL DEPOSITORY) Education Building, Walnut Street and Commonwealth Avenue, Box 1601, Harrisburg, Pennsylvania 17105.

Public Service Electric & Gas Company, Docket No. 50-354, Hope Creek Generating Station, Salem County, New Jersey

Date of application for amendment: February 3, 1992 as supplemented June 16, 1992

Brief description of amendment: Eliminated the main steam line isolation and automatic reactor shutdown functions of the main steam line radiation in the TS Tables 2.2.1-1, 3.3.1-1, 3.3.1-2, 4.3.1-1, 3.3.2-1, 3.3.2-3, and Bases Section 2.2.1.6.

Date of issuance: August 17, 1992

Effective date: August 17, 1992

Amendment No.:

53

Facility Operating License No. NPF-57: This amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** April 1, 1992 (57 FR 11115) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated August 17, 1992. No significant hazards consideration comments received: No

Local Public Document Room location: Pennsville Public Library, 190 S. Broadway, Pennsville, New Jersey 08070

Tennessee Valley Authority, Docket Nos. 50-327 and 50-328, Sequoyah Nuclear Plant, Units 1 and 2, Hamilton County, Tennessee

Date of application for amendments: May 26, 1992 (TS 92-04)

Brief description of amendment: The amendments add an additional Limiting Condition for Operation, surveillance requirement, and Bases information related to the operability requirements for the containment ice condenser inlet doors.

Date of issuance: August 10, 1992

Effective date: August 10, 1992

Amendment Nos: 161, and 151

Facility Operating License Nos. DPR-77 and DPR-79: Amendments revise the technical specifications.

Date of initial notice in **Federal Register:** July 8, 1992 (57 FR 30262) The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated August 10, 1992.No significant hazards consideration comments received: No.

Local Public Document Room location: Chattanooga-Hamilton County Library, 1101 Broad Street, Chattanooga, Tennessee 37402

Tennessee Valley Authority, Docket Nos. 50-327 and 50-328, Sequoyah Nuclear Plant, Units 1 and 2, Hamilton County, Tennessee

Date of application for amendment: May 26, 1992 (TS 92-03)

Brief description of amendment: The amendments remove the provision in Specification 4.0.2 that limits the combined time interval for three consecutive surveillance tests to less than 3.25 times the interval specified in the technical specifications for the surveillance test.

Date of issuance: August 13, 1992

Effective date: August 13, 1992

Amendment No.: 162 for Unit 1,; 152 for Unit 2

Facility Operating License Nos. DPR-77 and DPR-79: Amendments revise the technical specifications.

Date of initial notice in **Federal Register:** July 8, 1992 (57 FR 30261) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated August 13, 1992.No significant hazards consideration comments received: No.

Local Public Document Room location: Chattanooga-Hamilton County Library, 1101 Broad Street, Chattanooga, Tennessee 37402

Texas Utilities Electric Company, Docket No. 50-445, Comanche Peak Steam Electric Station, Unit No. 1, Somervell County, Texas

Date of amendment requests: June 24, 1991, November 11, 1991, andNovember 11, 1991. These applications were supplemented by letter dated May 4, 1992.

Brief description of amendment: The amendment provides clarification to Technical Specifications 4.6.2.1b and 4.8.1.1.2d.1)b) by correcting several

typographical errors. The amendment also deletes a reference to Section 51.5(b)(2) of Title 10 of the Code of Federal Regulations from the Environmental Protection Plan.

Date of Issuance: August 21, 1992.

Effective date: August 21, 1992, to be implemented within 30 days of issuance.

Amendment No.: Amendment No. 12

Facility Operating License No. NPF-87. Amendment revised the Technical Specifications and the Environmental Protection Plan.

Date of initial notice in **Federal Register:** May 27, 1992 (57 FR 22271); as corrected on July 30, 1992 (57 FR 33740). The May 4, 1992, supplemental letter provided a revised implementation date and did not change the initial no significant hazards consideration determination. The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated August 21, 1992.No significant hazards consideration comments received: No

Local Public Document Room location: University of Texas at Arlington Library, Government Publications/Maps, 701 South Cooper, P. O. Box 19497, Arlington, Texas 76019.

Virginia Electric and Power Company, et al., Docket Nos. 50-338 and 50-339, North Anna Power Station, Units No. 1 and No. 2, Louisa County, Virginia

Date of application for amendments: June 8, 1992

Brief description of amendments: The amendments revise the time frames in TS 3.0.5 for conducting a shutdown in a controlled and orderly manner which is consistent with the time frames in TS 3.0.3.

Date of issuance: August 10, 1992

Effective date: August 10, 1992

Amendment Nos.: 164 and 144

Facility Operating License Nos. NPF-4 and NPF-7. Amendments revised the Technical Specifications.

Date of initial notice in **Federal Register:** July 8, 1992 (57 FR 30263) The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated August 10, 1992.No significant hazards consideration comments received: No.

Local Public Document Room location: The Alderman Library, Special Collections Department, University of Virginia, Charlottesville, Virginia 22903-2498.

Virginia Electric and Power Company, et al., Docket Nos. 50-338 and 50-339, North Anna Power Station, Units No. 1 and No. 2, Louisa County, Virginia

Date of application for amendments: June 8, 1992

Brief description of amendments: The amendments revise the current NA-1&2 TS to permit staggered testing of the reactor trip system instrumentation and allow up to 2 hours to test certain emergency safeguards feature actuation system instrumentation.

Date of issuance: August 10, 1992

Effective date: August 10, 1992

Amendment Nos.: 165 and 145

Facility Operating License Nos. NPF-4 and NPF-7. Amendments revised the Technical Specifications.

Date of initial notice in **Federal Register:** July 8, 1992 (57 FR 30264) The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated August 10, 1992.No significant hazards consideration comments received: No.

Local Public Document Room location: The Alderman Library, Special Collections Department, University of Virginia, Charlottesville, Virginia 22903-2498. Notice Of Issuance Of Amendment To Facility Operating License And Final Determination Of No Significant Hazards Consideration And Opporutnity For Hearing (Exignet Or Emergency Circumstances)

During the period since publication of the last biweekly notice, the Commission has issued the following amendments. The Commission has determined for each of these amendments that the application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

Because of exigent or emergency circumstances associated with the date the amendment was needed, there was not time for the Commission to publish, for public comment before issuance, its usual 30-day Notice of Consideration of Issuance of Amendment and Proposed No Significant Hazards Consideration Determination and Opportunity for a Hearing. For exigent circumstances, the Commission has either issued a **Federal Register** notice providing opportunity for public comment or has used local media to provide notice to the public in the area surrounding a licensee's facility of the licensee's application and of the Commission's proposed determination of no significant hazards consideration. The Commission has provided a reasonable opportunity for the public to comment, using its best efforts to make available to the public means of communication for the public to respond quickly, and in the case of telephone comments, the comments have been recorded or transcribed as appropriate and the licensee has been informed of the public comments.

In circumstances where failure to act in a timely way would have resulted, for example, in derating or shutdown of a nuclear power plant or in prevention of either resumption of operation or of increase in power output up to the plant's licensed power level, the Commission may not have had an opportunity to provide for public comment on its no significant hazards determination. In such case, the license amendment has been issued without opportunity for comment. If there has been some time for public comment but less than 30 days, the Commission may provide an opportunity for public comment. If comments have been requested, it is so stated. In either event, the State has been consulted by telephone whenever possible.

Under its regulations, the Commission may issue and make an amendment immediately effective, notwithstanding the pendency before it of a request for a hearing from any person, in advance of the holding and completion of any required hearing, where it has determined that no significant hazards consideration is involved.

The Commission has applied the standards of 10 CFR 50.92 and has made a final determination that the amendment involves no significant hazards consideration. The basis for this determination is contained in the documents related to this action. Accordingly, the amendments have been issued and made effective as indicated.

Unless otherwise indicated, the Commission has determined that these amendments satisfy the criteria for categorical exclusion in accordance with 10 CFR 51.22. Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared for these amendments. If the Commission has prepared an environmental assessment under the special circumstances provision in 10 CFR 51.12(b) and has made a determination based on that assessment, it is so indicated.

For further details with respect to the action see (1) the application for amendment, (2) the amendment to Facility Operating License, and (3) the Commission's related letter, Safety Evaluation and/or Environmental Assessment, as indicated. All of these items are available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555, and

at the local public document room for the particular facility involved.

A copy of items (2) and (3) may be obtained upon request addressed to the U. S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Director, Division of Reactor Projects.

The Commission is also offering an opportunity for a hearing with respect to the issuance of the amendment. By October 2, 1992, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. Interested persons should consult a current copy of 10 CFR 2.714 which is available at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555 and at the local public document room for the particular facility involved. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) the nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

Since the Commission has made a final determination that the amendment involves no significant hazards consideration, if a hearing is requested, it will not stay the effectiveness of the amendment. Any hearing held would take place while the amendment is in effect.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Services Branch, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555, by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at 1-(800) 325-6000 (in Missouri 1-(800) 342-6700). The Western Union operator should be given Datagram Identification Number N1023 and the following message addressed to (Project Director): petitioner's name and telephone number, date petition was mailed, plant name, and publication date and page number of this **Federal Register** notice. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to the attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)-(v) and 2.714(d).

Northern States Power Company, Docket Nos. 50-282 and 50-306, Prairie Island Nuclear Generating Plant, Unit Nos. 1 and 2, Goodhue County, Minnesota

Date of amendment request: August 3, 1992

Description of amendment request: The amendments provide a one-time extension of the surveillance test interval for periodic testing of the source breaker trip feature of the automatic voltage restoration function of the 4160 v.a.c emergency buses.

Date of issuance: August 11, 1992.

Effective date: August 11, 1992.

Amendment Nos. 100 and 93

Facility Operating License Nos. DPR-42 and DPR-60: Amendments revised the Technical Specifications.Public comments requested as to proposed no significant hazards consideration: No. The Commission's related evaluation of the amendment, finding of emergency circumstances, and final determination of no significant hazards consideration are contained in a Safety Evaluation dated August 11, 1992.

Attorney for licensee: Jay Silberg, Esq., Shaw, Pittman, Potts, and Trowbridge, 2300 N Street, NW, Washington, DC 20037

Local Public Document Room location: Minneapolis Public Library, Technology and Science Department, 300 Nicollet Mall, Minneapolis, Minnesota 55401.

NRC Project Director: L. B. Marsh

Union Electric Company, Docket No. 50-483, Callaway Plant, Unit 1, Callaway County, Missouri

Date of application for amendment: August 11, 1992

Brief description of amendment: The amendment revised Technical Specification Surveillance 4.3.1.1, Table 4.3-1, Functional Unit 1 (Manual Trip) by adding a footnote to Note 16 which states that "complete verification of OPERABILITY of the manual reactor trip switch circuitry shall be performed prior to startup from the first shutdown to Mode 3 occurring after August 7, 1992." This amendment was required due to the discovery that the existing surveillance procedure does not adequately verify the operability of the shunt trip contacts associated with the manual reactor trip function.

Date of issuance: August 21, 1992

Effective date: August 21, 1992

Amendment No.: 73

Facility Operating License No. NPF-30. Amendment revised the Technical Specifications. Public comments requested as to proposed no significant hazards consideration: No. The Commission's related evaluation of the amendment, discussion of emergency circumstances, and final determination of no significant hazards consideration are contained in a Safety Evaluation dated August 21, 1992.

Attorney for licensee: Gerald Charnoff, Esq., Shaw, Pittman, Potts & Trowbridge, 2300 N Street, N.W., Washington, D.C. 20037

Local Public Document Room location: Callaway County Public Library, 710 Court Street, Fulton, Missouri 65251.

NRC Project Director: John N. Hannon

Dated at Rockville, Maryland, this 25th day of August 1992.

Nuclear Regulatory Commission

Jose A. Calvo,

Acting Director Division of Reactor Projects - I/IIOffice of Nuclear Reactor Regulation

[Doc. 92-20978 Filed 9-1-92; 8:45 am]

BILLING CODE 7590-01-F

[Docket Nos. 50-445 and 50-446]

Texas Utilities Electric Co.; Comanche Peak Steam Electric Station, Units 1 and 2 Receipt of Petition for Director's Decision Under 10 CFR 2.206

Notice is hereby given that Mr. Michael D. Kohn, on behalf of Messrs. Macktal and Hasan (Petitioners), submitted to the U.S. Nuclear Regulatory Commission (NRC) on June 11, 1992, a Petition requesting certain enforcement and other actions.

As a basis for this request, the Petitioners allege the discovery of new evidence of a continuing practice by Texas Utilities Electric Company (TU Electric; licensee) to pay "hush money" to keep significant information about Comanche Peak Steam Electric Station, Units 1 and 2 (CPSES) from the Petitioners and the NRC. Specifically, the Petitioners refer to a January 30, 1990, settlement agreement between the licensee and the Tex-La Electric Cooperative of Texas, Inc. (Tex-La), a former co-owner of CPSES, which allegedly contains restrictive language in violation of section 210 of the Energy Reorganization Act and 10 CFR 50.7.

On the basis of this information, the Petitioners requested (1) orders suspending TU Electric's license to operate CPSES Unit 1 and its permit to construct CPSES Unit 2; and (2) that the expiration date of TU Electric's permit to construct Unit 2 not be extended. Petitioners also requested that the Commission take immediate actions; specifically (1) that a licensing board be established to allow public scrutiny into TU Electric's alleged practice of paying "hush money"; (2) that the NRC notify TU Electric and former minority owners that no settlement agreement can preclude employees, attorneys, agents, consultants or others from providing information to persons involved in proceedings before the NRC; (3) that copies of the TU Electric minority owner agreements be made public and provided to petitioners' counsel; and (4) that the NRC notify the counsel to Tex-La that he and others are free to disclose safety-related information about CPSES to others. In a letter dated August 26, 1992, I have determined that the Petitioners have not set forth a basis for the immediate actions raised in the Petition.

The Petition has been referred to the Director of the Office of Nuclear Reactor Regulation pursuant to 10 CFR 2.206. As provided by 10 CFR 2.206, appropriate action will be taken regarding the specific issues raised by the Petition in a reasonable time.

An Order extending the construction permit date was issued on July 28, 1992. The NRC staff's evaluation of the requested extension concluded, in accordance with 10 CFR 50.55(b), that good cause had been shown for the delay and that the requested extension was for a reasonable period of time.

The NRC has obtained a copy of the subject settlement agreement from TU Electric. Copies of the Petition and the settlement agreement are available for inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555, and at the University of Texas at Arlington Library, Government Publications/Maps, 701 South Cooper, P.O. Box 19497, Arlington, Texas 76019.

Dated at Rockville, Maryland, this 26th day of August 1992.

For the Nuclear Regulatory Commission.

Thomas E. Murley,

Director, Office of Nuclear Reactor Regulation.

[FR Doc. 92-21129 Filed 9-1-92; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-348]

Southern Nuclear Operating Co.; Consideration of Issuance of Amendment to Facility Operating License, Proposed no Significant Hazards Consideration Determination, and Opportunity for Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. NPF-2 issued to Southern Nuclear Operating Company, Inc. (the licensee), for operation of the Joseph M. Farley Nuclear Plant, Unit 1, located in Houston County, Alabama.

The proposed amendment would modify the Technical Specifications (TS) on an interim basis to allow the implementation of interim plugging criteria for tube support plate elevations.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

The Commission has made a proposed determination that the amendment request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

(1) Operation of Farley Unit 1 in accordance with the proposed license amendment does not involve a significant increase in the probability or consequences of an accident previously evaluated.

Testing of model boiler specimens for free standing tubes at room temperature conditions show burst pressures as high as 5000 psi for indications of outer diameter stress corrosion cracking [ODSCC] with voltage measurements as high as 30 volts. Burst testing performed on pulled tubes with up to 10 volt indications show burst pressures in excess of 5900 psi at room temperature. Correcting for the effects of temperature on material properties and minimum strength levels (as the burst testing was done at room temperature), tube burst capability significantly exceeds the [Regulatory Guide (R.G.)] 1.121 criterion requiring the maintenance of a margin of three times normal operating pressure differential on tube burst if through-wall cracks are present. Based on the existing data base, this criterion is satisfied with bobbin coil indications with signal amplitudes less than 6.2 volts, regardless of the indicated depth measurement. This structural limit is based on a lower 95% confidence level limit of the data. The 1.0 threshold volt criteria provides an extremely conservative margin of safety to the structural limit considering expected growth rates of ODSCC at Farley. Alternate crack morphologies can correspond to 6.2 volts so that a unique crack length is not defined by a burst pressure to voltage correlation. However, relative to expected leakage during normal operating conditions, no field leakage has been reported from tubes with indications with a voltage level of under 6.2 volts for a ¾ inch tube, with 8.4 volts correlation to ⅞ inch tubing (as compared to the 1.0 volt proposed interim tube plugging limit).

Relative to the expected leakage during accident condition loadings, the accidents that are affected by primary-to-secondary leakage and steam release to the environment are Loss of External Electrical Load and/or Turbine Trip, Loss of All AC Power to Station Auxiliaries, Major Secondary System Pipe Failure, Steam Generator Tube Rupture, Reactor Coolant Pump Locked Rotor, and Rupture of a Control Rod Drive Mechanism Housing. Of these, the Major Secondary System Pipe Failure is the most limiting for Farley Unit 1 in considering the potential for offsite doses. The offsite dose analyses for the other events which model primary-to-secondary leakage and steam release from the secondary side to the environment assume that the secondary side remains intact. The steam generator tubes are not subjected to a sustained increase in differential pressure, as is the case following a steam line break [SLB] event. This increase in differential pressure is responsible for the postulated increase in leakage and associated offsite doses following [an SLB] event. Upon implementation of the interim plugging criteria, it must be verified that the expected distribution of cracking indications at the tube support plate intersections are such that primary-to-secondary leakage would result in site boundary dose within the current licensing basis for Unit 1, 1 gallon per minute during [an SLB] event. Data indicate that a threshold voltage of 2.8 volts would result in through-wall cracks long enough to leak at SLB conditions. Application of the proposed plugging criteria requires that the current distribution of a number of indications versus voltage be obtained during the Unit 1 Eleventh Refueling Outage. The current voltage is then combined with the rate of change in voltage measurement to establish an end of cycle voltage distribution and, thus, leak rate during SLB pressure differential. If it is found that the potential SLB leakage for degraded intersections planned to be left in service exceeds 1 gallon per minute, then additional tubes will be plugged or repaired to reduce SLB leakage potential to 1 gallon per minute or less.

(2) The proposed license amendment does not create the possibility of a new or different kind of accident from any previously evaluated.

Implementation of the proposed interim tube support plate elevation steam generator tube plugging criteria does not introduce any significant changes to the plant design basis. Use of the criteria does not provide a mechanism which could result in an accident outside of the region of the tube support plate elevations. Neither a single or multiple tube rupture event would be expected in a steam generator in which the plugging criteria has been applied (during all plant conditions). The bobbin probe signal amplitude plugging criteria is established such that operational leakage or excessive leakage during a postulated [SLB] condition is not anticipated.

SNC has implemented a maximum leakage rate limit of 410 gpd [gallons per day] per steam generator to help preclude the potential for excessive leakage during all plant conditions. The R.G. 1.121 criterion for establishing operational leakage rate limits that require plant shutdown are based upon leak-before-break considerations to detect a free span crack before potential tube rupture. The 140 gpd limit should provide for leakage detection and plant shutdown in the event of the occurrence of an unexpected single crack resulting in leakage that is associated with the longest permissible crack length. R.G. 1.121 acceptance criteria for establishing operating leakage limits are based on leak-before-break considerations such that plant shutdown is initiated if the leakage associated with the longest permissible crack is exceeded. The longest permissible crack is the length that provides a factor of safety of three against bursting at normal operating pressure diffferential. A voltage amplitude of 6.2 volts for typical ODSCC corresponds to meeting this tube burst requirement at the lower 95% uncertainty limit on the burst correlation. Alternate crack morphologies can correspond to 6.2 volts so that a unique crack length is not defined by the burst pressure versus voltage correlation. Consequently, typical burst pressure versus through-wall crack length correlations are used below to define the "longest permissible crack" for evaluating operating leakage limits.

The single through-wall crack lengths that result in tube burst at three times normal operating pressure differential and SLB conditions are about 0.42 inch and 0.84 inch, respectively. Normal leakage for these crack lengths would range from 0.11 gallons per minute to 4.5 gallons per minute, respectively, while lower 95% confidence level leak rates would range from about 0.02 gallons per minute to 0.6 gallons per minute, respectively.

An operating leak rate of 140 gpd has been implemented due to the detection of circumferential flaws in the expansion region. This leakage limit provides for detection of 0.4 inch long cracks at nominal leak rates and 0.6 inch long cracks at the lower 95% confidence level leak rates. Thus, the 140 gpd limit provides for plant shutdown prior to reaching critical crack lengths for SLB conditions at leak rates less than a lower 95% confidence level and for three times normal operating pressure differential at less than nominal leak rates.

(3) The proposed license amendment does not involve a significant reduction in margin of safety.

The use of the interim tube support plate elevation plugging criteria at Farley Unit 1 is demonstrated to maintain steam generator tube integrity commensurate with the requirements of R.G. 1.121. R.G. 1.121 describes a method acceptable to the NRC staff for meeting GDC 14, 15, 31 and 32 by reducing the probability of the consequences of steam generator tube rupture. This is accomplished by determining the limiting conditions of degradation of steam generator tubing, as established by inservice inspection, for which tubes with unacceptable cracking should be removed from service. Upon implementation of the criteria, even under the worst case conditions, the occurrence of ODSCC at the tube support plate elevations is not expected to lead to a steam generator tube rupture event during normal or faulted plant conditions. The most limiting effect would be a possible increase in leakage during [an SLB] event. Excessive leakage during [an SLB] event, however, is precluded by verifying that, once the criteria are applied, the expected end of cycle distribution of crack indications at the tube support plate elevations would result in minimal, and acceptable, primary[-]to[-]secondary leakage during all plant conditions and, hence, help to demonstrate radiological conditions are less than a small fraction of the 10 CFR 100 guideline.

In addressing the combined effects of [loss of coolant accident (LOCA) + safe shutdown earthquake (SSE)] on the steam generator component (as required by GDC 2), it has been determined that tube collapse may occur in the steam generators at some plants. This is the case as the tube support plates may become deformed as a result of lateral loads at the wedge supports at the periphery of the plate due to either the LOCA rarefaction wave and/or SSE loadings. Then, the resulting pressure differential on the deformed tubes may cause some of the tubes to collapse.

Additionally, the margin to burst for tubes using the interim plugging criteria is comparable to that currently provided by existing Technical Specifications.

There are two issues associated with steam generator tube collapse. First, the collapse of steam generator tubing reduces the [Reactor Coolant System (RCS)] flow area through the tubes. The reduction in flow area increases the resistance to flow of steam from the core during a LOCA which, in turn, may potentially increase Peak Clad Temperature

(PCT). Second, there is a potential that partial through-wall cracks in tubes could progress to through-wall cracks during tube deformation or collapse.

Consequently, a detailed leak-before-break analysis was performed and it was concluded that the leak-before-break methodology (as permitted by GDC 4) is applicable to the Farley Unit 1 [RCS] primary loop and, thus, the probability of breaks in the primary loop piping is sufficiently low that they need not be considered in the structural design basis of the plant. Excluding breaks in the RCS primary loops, the LOCA loads from the large branch line breaks were analyzed at Farley Unit 1 and were found to be of insufficient magnitude to result in steam generator tube collapse or significant deformation.

Regardless of whether or not leak-before-break is applied to the primary loop piping at Farley Unit 1, any flow area reduction is expected to be minimal (much less than 1%) and PCT margin is available to account for this potential effect. Based on recent analyses results, no tubes near wedge locations are expected to collapse or deform to the degree that secondary[-]to[-]primary in-leakage would be increased over current expected levels. For all other steam generator tubes, the possibility of secondary-to-primary [in-leakage] in the event of a LOCA + SSE event is not significant. In actuality, the amount of secondary-to-primary leakage in the event of a LOCA + SSE is expected to be less than that currently allowed, i.e., 140 gpd per steam generator. Furthermore, secondary-to-primary in-leakage would be less than primary-to-secondary leakage for the same pressure differential since the cracks would tend to tighten under a secondary-to-primary pressure differential. Also, the presence of the tube support plate is expected to reduce the amount of in-leakage.

Addressing the R.G. 1.83 considerations, implementation of the tube plugging criteria is supplemented by 100% inspection requirements at the tube support plate elevations having ODSCC indications, reduced operating leak rate limits, eddy current inspection guidelines to provide consistency in voltage normalization, and rotating pancake coil inspection requirements for the larger indications left in service to characterize the principal degradation mechanism as ODSCC.

As noted previously, implementation of the tube support plate elevation plugging criteria will decrease the number of tubes which must be taken out of service with tube plugs or repaired. The installation of steam generator tube plugs would reduce the RCS flow margin, thus implementation of the interim plugging criteria will maintain the margin of flow that would otherwise be reduced in the event of increased tube plugging.

Based on the above, it is concluded that the proposed change does not result in a significant reduction in margin with respect to plant safety as defined in the Final Safety Analysis Report or any bases of the plant Technical Specifications.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

The Commission is seeking public comments on this proposed determination. Any comments received within thirty (30) days after the date of publication of this notice will be considered in making any final determination. The Commission will not normally make a final determination unless it receives a request for a hearing.

Written comments may be submitted by mail to the Rules and Directives Review Branch, Division of Freedom of Information and Publications Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and should cite the publication date and page number of this **Federal Register** notice. Written comments may also be delivered to Room P–223, Phillips Building, 7920 Norfolk Avenue, Bethesda, Maryland, from 7:30 a.m. to 4:15 p.m. Federal workdays. Copies of written comments received may be examined at the NRC Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555. The filing of requests for hearing and petitions for leave to intervene is discussed below.

By October 2, 1992, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR part 2. Interested persons should consult a current copy of 10 CFR 2.714 which is available at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555 and at the local public document room located at Houston-Love Memorial Library, 212 W. Burdeshaw Street P.O. Box 1369, Dothan, Alabama 36302. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board, will rule on the request and/or petition; and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment request involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish in the **Federal Register** a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Services Branch, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555, by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at 1–(800) 325–6000 (in Missouri 1–(800) 342–6700). The Western Union operator should be given Datagram Identification Number N1023 and the following message addressed to Elinor G. Adensam: petitioner's name and telephone number, date petition was mailed, plant name, and publication date and page number of this **Federal Register** notice. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to James H. Miller, III, Esq., Balch and Bingham, P.O. Box 306, 1710 Sixth Avenue North, Birmingham, Alabama 35201, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)-(v) and 2.714(d).

For further details with respect to this action, see the application for amendment dated August 24, 1992, which is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555 and at the local public document room located at Houston-Love Memorial Library, 212 W. Burdeshaw Street, P.O. Box 1369, Dothan, Alabama 36302.

Dated at Rockville, Maryland, this 27th day of August 1992.

For the Nuclear Regulatory Commission.

George F. Wunder,

Acting Director, Project Directorate II–1, Division of Reactor Projects—I/II, Office of Nuclear Reactor Regulation.

[FR Doc. 92–21128 Filed 9–1–92; 8:45 am]

BILLING CODE 7590–01–M

PROSPECTIVE PAYMENT ASSESSMENT COMMISSION

[RFP 01–93–ProPAC]

Research Support Services; Expert and Consultant Services

Prospective Payment Assessment Commission, 300 7th Street, SW, suite 301B, Washington, DC 20024
Attn: Mrs. Jeannette A. Younes, Executive Officer
Re: RFP 01–93–ProPAC.

Title: Research Support Services
Category: H(Expert and Consultant Services)

The Prospective Payment Assessment Commission (ProPAC) is seeking contractors to conduct a survey of strategies used by hospitals to influence the behavior of physicians. One contractor is being sought to conduct a survey of strategies that is representative of all non-federal, Medicare eligible, short-stay hospitals in the United States. Oversampling of some hospital groups of interest may be required, with the construction of weights to account for this oversampling. The period of performance is one year, and will be completed under a cost plus fixed fee type of contract. The contractor will have extensive experience conducting health surveys, including surveys of hospitals and physicians. RFP–01–93 will be issued on or about September 14, 1992. Interested sources must submit a written request for a copy of this RFP.

Donald A. Young,

Executive Director.

[FR Doc. 92–20943 Filed 9–1–92; 8:45 am]

BILLING CODE 6820–BW–M

PHYSICIAN PAYMENT REVIEW COMMISSION

Commission Meeting

AGENCY: Physician Payment Review Commission.

ACTION: Notice of meeting.

SUMMARY: The Commission will hold its next public meeting on Thursday and Friday, September 24 and 25, 1992, at the Sheraton City Centre, 1143 New Hampshire Avenue NW., Washington, DC in the City Centre Ballroom (lower level). The meetings are tentatively scheduled to begin at 9 a.m. Topics to be covered include graduate medical education, malpractice expense, health care reform legislation, and access to care. There will also be a panel discussion on implementation of the Medicare Fee Schedule with representatives from physician and beneficiary organizations.

ADDRESSES: The Commission is located at 2120 L Street, NW. in suite 510, Washington, DC. The telephone number is 202/653–7220.

FOR FURTHER INFORMATION CONTACT: Lauren LeRoy, Deputy Director, 202/653–7220.

SUPPLEMENTARY INFORMATION: Information about the exact agenda for the public meetings can be obtained on Thursday, September 17, 1992. Copies of the agenda will be mailed at that time. Please direct all requests for the agenda to the Commission's receptionist.

Paul B. Ginsburg,

Executive Director.

[FR Doc. 92–21058 Filed 9–1–92; 8:45 am]

BILLING CODE 6820–SE–M

RAILROAD RETIREMENT BOARD

Agency Forms Submitted for OMB Review

SUMMARY: In accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. chapter 35), the Railroad Retirement Board has submitted the following proposal(s) for the collection of information to the Office of Management and Budget for review and approval.

SUMMARY OF PROPOSAL(S):

(1) *Collection title:* Application for Spouse Annuity Under the Railroad Retirement Act.

(2) *Form(s) submitted:* AA–3.

(3) *OMB Number:* 3220–0042.

(4) *Expiration date of current OMB clearance:* Three years from date of OMB approval.

(5) *Type of request:* Extension of the expiration date of a currently approved collection without any change in the substance or in the method of collection.

(6) *Frequency of response:* On occasion.

(7) *Respondents:* Individuals or households.

(8) *Estimated annual number of respondents:* 19,500.

(9) *Total annual responses:* 19,500.

(10) *Average time per response:* .4351 hours.

(11) *Total annual reporting hours:* 8,484.

(12) *Collection description:* The RRA provides for the payment of annuities to spouses of railroad retirement annuitants who meet the requirements under the Act. The application will obtain information supporting the claim for benefits based on being a spouse of an annuitant. The information will be used for determining entitlement to and amount of annuity applied for.

ADDITIONAL INFORMATION OR COMMENTS: Copies of the form and supporting documents can be obtained from Dennis Eagan, the agency clearance officer (312–751–4693). Comments regarding the information collection should be addressed to Ronald J. Hodapp, Railroad Retirement Board, 844 N. Rush Street, Chicago, Illinois 60611–2092 and the OMB reviewer, Laura Oliven (202–395–7316), Office of Management and Budget, Room 3002, New Executive Office Building, Washington, DC 20503.

Dennis Eagan,

Clearance Officer.

[FR Doc. 92–21085 Filed 9–1–92; 8:45 am]

BILLING CODE 7905–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–31107; File No. SR-Amex-92-12]

Self-Regulatory Organizations; American Stock Exchange, Inc.; Order Approving Proposed Rule Change, Relating to the Reduction of Trading Increments for Long-Term Reduced Value Index Options

August 27, 1992.

On April 30, 1992, the American Stock Exchange, Inc. ("Amex") or "Exchange") submitted to the Securities and Exchange Commission ("Commission"), pursuant to section 19(b)(1) of the Securities and Exchange Act of 1934 ("Act") [1] and Rule 19b–4 thereunder,[2] a proposed rule change to reduce from one-eight to one-sixteenth the minimum tick fluctuation for premiums between $300 and $500 for long-term options on reduced value indexes. Under the proposal, the minimum tick fluctuation for premiums over $500 will continue to be one-eighth.

The proposed rule change was published for comment in Securities and Exchange Act Release No. 30694 (May 13, 1992), 57 FR 21312 (May 19, 1992). No comments were received on the proposed rule change.

Amex rules currently provide that bids and offers for all equity and index options may be expressed in one-sixteenth increments for premiums of less than $300 and one-eight increments for premiums greater than $300. The current proposal would amend Exchange Rule 951C to reduce from one-eighth to one-sixteenth the minimum tick fluctuation for premiums between $300 and $500 for long-term options on reduced value indexes.[3] The minimum tick fluctuation for premiums over $500 will continue to be one-eighth. Since November 1990, the Amex has been trading long-term options ("LEAPS") on a reduced value Major Market Index ("XMI").

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange, and, in particular, the requirements of section 6(b)(5).[4] Specifically, the Commission believes the Exchange's proposal may result in enhanced pricing efficiency and price continuity for LEAPS on reduced-value stock indexes, because the reduced value XMI underlying XMI LEAPS is one-tenth of the value of the full-value XMI and because any other reduced value index that may have Exchange-traded LEAPS listed on it likewise will be a fraction of its corresponding full-value index, thereby promoting the public interest and protecting investors. The Commission also believes that the narrower minimum tick fluctuations may result in enhanced market maker performance and tighter markets for long-term, reduced-value stock index options.

It is therefore ordered, pursuant to section 19(b)(2) of the Act [5] that the proposed rule change (SR-Amex-92-12) is approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[6]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 92–21060 Filed 9–1–92; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–31097; File No. SR–NYSE–92–07]

Self-Regulatory Organizations; New York Stock Exchange, Inc.; Order Approving Proposed Rule Change Relating to Amendments to Rules 600 (Arbitration), 607 (Designation of Number of Arbitrators), 621 (Interpretation of the Provisions of the Code and Enforcement of Arbitrator(s) Rulings) and 636 (Requirements When Using Pre-Dispute Arbitration Agreements With Customers)

August 26, 1992.

I. Introduction

On April 3, 1992, the New York Stock Exchange, Inc. ("NYSE" or "Exchange") submitted to the Securities and Exchange Commission ("Commission" or "SEC"), pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),[1] and Rule 19b–4 thereunder,[2] a proposed rule change (File No. SR–NYSE–92–07) designed to amend certain of the Exchange's series of rules that govern the administration of its arbitration forum. The NYSE states that the proposed rule change is based for the most part on proposals developed by

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[1] 15 U.S.C. 78s(b)(1) (1988).

[2] 17 CFR 240.19b–4 (1991).

[3] Under Amex rules, a long-term option is one with a duration greater than twelve months. These options are also regularly known as Long-Term Equity Anticipation Securities or "LEAPS."

[4] 15 U.S.C. 78f(b)(5) (1988).

[5] 15 U.S.C. 78s(b) (1988).

[6] 17 CFR 200.30–3(a)(12) (1990).

[1] 15 U.S.C. 78s(b)(1) (1988).

[2] 17 CFR 240.19b–4 (1991).

the Securities Industry Conference on Arbitration ("SICA").[3]

The proposed rule change was published for comment in Securities Exchange Act Release No. 30675 (May 7, 1992), 57 FR 20543 (May 13, 1992). No comments were received on the proposal.

II. Description of the Proposal

A. Rule 600: Arbitration

The NYSE proposes to adopt Rule 600(d), which would provide that class actions between NYSE members and their customers are to be resolved through litigation in the courts, rather than through arbitration at the Exchange. The rule is divided into several parts. First, it would provide that the Exchange will not accept class actions. The rule also prohibits Exchange members from attempting to enforce arbitration contracts with customers who are members of a class or putative class unless the customer has clearly opted out of, or otherwise been excluded by a court from, the class action. It would also provide, however, that customers may pursue, in Exchange arbitration, claims that would otherwise be included in a court-litigated class action by removing their individual claims from the class action.

B. Rule 607: Designation of Number of Arbitrators

The NYSE proposes to adopt Rule 607(a)(2)(v) to classify individuals who are registered under the Commodities Exchange Act ("CEA") or are members of a registered futures association or any commodities exchange as being from the securities industry for purposes of classification of arbitrators.

C. Rule 621: Interpretation of Code

The NYSE proposes to amend Rule 621 to empower arbitrators to take appropriate action to obtain compliance with any ruling by the arbitrators. The Exchange states that such action could include assessment of fees or costs, preclusion of documents or witnesses, and making disciplinary referrals in order to obtain compliance with any ruling by the arbitrators.

D. Rule 636: Requirements When Using Pre-Dispute Arbitration Agreements With Customers

The NYSE proposes to amend Rule 636 to provide that customer agreements containing arbitration clauses entered into after one year from the approval of the rule must include a prescribed statement excluding class actions from the contracts and clarifying investors' ability to pursue class actions in court.

III. Discussion and Conclusion

The Commission has considered the Exchange's proposed rule change and finds that the proposals are consistent with the requirements of the Act and the rules and regulations thereunder and, in particular, the requirements of section 6(b)(5) of the Act.[4] Section 6(b)(5) of the Act requires that an exchange have rules that are designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and to protect investors and the public interest. The Commission believes that because these rules should aid in the just resolution of disputes between investors and broker-dealers, the proposal should further the objectives of section 6(b)(5) of the Act. The Commission also believes, for the reasons set forth below, that the proposed rule change advances the public interest in Exchange arbitrations and should improve the speed and efficiency of the arbitration process, while at the same time maintaining the traditional qualities of arbitration.

The Commission believes that the proposed amendment to Rules 600 and 636 which would enable brokerage customers to pursue class action claims against their broker-dealers in court, notwithstanding any arbitration agreement they may have signed, is an important initiative to protect investors and the public interest. Under the existing rules, investors are not necessarily able to pursue class action claims against their broker-dealers in SRO-sponsored arbitrations. Moreover, individuals who attempted to certify class actions in litigation were subject to the enforcement of their separate arbitration contracts by their broker-dealers. Without access to class actions in appropriate cases, both investors and broker-dealers have been put to the expense of wasteful, duplicative litigation. The new rule, however, expressly prohibits Exchange members from using existing arbitration contracts to defeat the certification of a class, or participation in a class by its customers. Finally, the amendments to Rule 636 will ensure that arbitration agreements clearly state that class action claims are specifically outside the scope of arbitration contracts entered into by members.

Based on the above, the Commission believes that the amendments that would permit certified class actions to proceed in court should increase customer confidence in the markets and promote the efficient resolution of disputes for both investors and broker-dealers.

The Commission also finds that the proposed amendment to Rule 607, which will classify individuals who are registered under CEA or associated with a registered futures association or any commodities exchange as being from the securities industry for the purposes of clasifications of arbitrators, is consistent with the Act. The Commission believes that this amendment should promote impartial and knowledgeable decisions in the arbitration of disputes between investors and broker-dealers.

Further, the Commission agrees with the Exchange that the proposed amendment to NYSE Rule 621 should clarify that arbitrators can take appropriate action to obtain compliance with any ruling by the arbitrators. The NYSE anticipates that appropriate action could include assessment of fees or costs, preclusion of documents or witnesses, and making disciplinary referrals. The Commission believes that the amendment to Rule 621 should raise customer confidence in the arbitration process by assuring that those individuals who utilize the NYSE's arbitration forum comply with the arbitrators' rulings.

It is therefore ordered, pursuant to section 19(b)(2) of the Act,[5] that the proposed rule change (SR–NYSE–92–07) be, and hereby is approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[6]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 92–21061 Filed 9–1–92; 8:45 am]

BILLING CODE 8010–01–M

[3] SICA is comprised of a representative from each self-regulatory organization ("SRO") that administers an arbitration program, a representative of the securities industry, and four representatives of the public. The SROs that administer an arbitration program are the NYSE, American, Boston, Cincinnati, Midwest, Pacific, and Philadelphia Stock Exchanges, the Chicago Board Options Exchange, the National Association of Securities Dealers, and the Municipal Securities Rulemaking Board.

[4] 15 U.S.C. 78f(b)(5) (1988).

[5] 15 U.S.C. 78s(b)(2) (1988).

[6] 17 CFR 200.30–3(a)(12) (1991).

[Release No. 34-31108; File No. SR-NYSE-92-18]

Self-Regulatory Organizations; Filing and Order Granting Temporary Accelerated Approval of Proposed Rule Change by New York Stock Exchange Relating to a Pilot Program for Specialists' Liquidating Transactions

August 27, 1992.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"), 15 U.S.C. 78s(b)(1), notice is hereby give that on August 20, 1992, the New York Stock Exchange, Inc. ("NYSE" or "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The NYSE proposes to extend until November 27, 1992 its existing pilot program under NYSE Rule 104.10(6), as described below, pertaining to specialists' liquidating transactions. The NYSE received approval of amendments to Rule 104.10(6) for a one year pilot period expiring on August 29, 1992.[1] The Exchange seeks accelerated approval of the proposed rule change in order to allow the pilot program to continue without interruption.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The test of these statements may be examined at the places specified in Item III below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

(a) Purpose

The Exchange proposed to amend Rule 104.10(6) in File No. SR-NYSE-91-7. The proposed rule change, filed as a one year pilot program, amended NYSE Rule 104.10(6) to permit specialists to "reliquify" a dealer position by selling "long" on a zero minus tick, or by purchasing to cover a "short" position on a zero plus tick, without Floor official approval. The proposed amendments also emphasized the specialist's affirmative role in providing stabilizing dealer participation to the marketplace where reliquification may be required to facilitate the maintenance of a fair and orderly market.

As noticed above, the Commission granted temporary approval to this proposal on a one year pilot basis and requested that the Exchange submit a report evaluating the effects of the amendments.[2] In its report, the NYSE concluded that the amendments to Rule 104.10(6) appear to be working well in enabling specialists to reliquify appropriately to meet the needs of the market.

The purpose of this proposed rule change is to request an extension of the pilot program, scheduled to terminate on August 29, 1992, until November 27, 1992.

(b) Statutory Basis

The basis under the Act for his proposed rule change is section 6(b)(5), which requires that the rules of the Exchange be designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and, in general, to protect investors and the public interests. The Exchange believes the proposed rule change is consistent with these objectives because it enhances the specialists' ability to reliquify and re-enter the market and reinforces the specialists' obligation to participate during volatile or unusual market conditions in a manner that is counter to the trend of the market and which cushions price movements in the specialists' stocks.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes for the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Relieved From Members, Participants, or Others

The Exchange has neither solicited nor received written comments on the proposed rule change.

III. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any persons, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of the NYSE. All submissions should refer to File No. SR-NYSE-92-18 and should be submitted by September 23, 1992.

IV. Commission's Findings and Order Granting Temporary Accelerated Approval of Proposed Rule Change

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange, and, in particular, with sections 6(b)(5) and 11 of the Act.[3] The Commission believes the proposal is consistent with the section 6(b)(5) requirements that the rules of an exchange be designed to promote just and equitable principles of trade, remove impediments to and perfect the mechanism of a free and open market, and, in general, protect investors and the public interest. The Commission also believes that the proposal is consistent with section 11(b) of the Act and Rule 11b-1 thereunder,[4] which allow exchanges to promulgate rules relating to specialists in order to maintain fair and orderly markets.[5]

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[1] See Securities Exchange Act Release No. 29626 (August 29, 1991), 56 FR 43953 (September 5, 1991) (File No. SR-NYSE-91-7) ("1991 Approval Order").

[2] *Id.*

[3] 15 U.S.C. 78f and 78k (1988).

[4] 17 CFR 240.11b-1 (1991).

[5] See 1991 Approval Order, *supra* note 1 for a description of NYSE Rule 104.10(6) procedures and

Continued

Under the current pilot program, a specialist may liquidate a position by selling stock on a direct minus tick or by purchasing stock on a direct plus tick only if such transactions are reasonably necessary for the maintenance of a fair and orderly market and only if the specialist has obtained the prior approval of a Floor Official. Liquidations on a zero minus or a zero plus tick, which previously required Floor Official approval, can be effected under the pilot procedures without a Floor Official's approval, but continue to be subject to the restriction that they be effected only when reasonably necessary to maintain a fair and orderly market. In addition, the specialist must maintain a fair and orderly market during the liquidation.

After the liquidation, a specialist is required to re-enter the market on the opposite side of the market from the liquidating transaction to offset any imbalances between supply and demand. During any period of volatile or unusual market conditions resulting in a significant price movement in a specialist's specialty stock, the specialist's re-entry into the market must reflect, at a minimum, his or her usual level of dealer participation in the specialty stock. In addition, during such periods of volatile market conditions or unusual price movements, re-entry into the market following a series of transactions must reflect a significant level of dealer participation.

In our order approving the pilot program,[6] the Commission asked the NYSE to submit a report setting forth the criteria developed by the Exchange to determine whether any reliquifications by specialists were necessary and appropriate in connection with fair and orderly markets. The Commission also asked the NYSE to provide information regarding the Exchange's monitoring of liquidation transactions effected by specialists on any destabilizing tick. In addition, the Commission asked the NYSE to provide the following information in its report: (1) A review of all liquidation transactions effected by specialists on any destabilizing ticks; (2) a review of liquidating transactions by specialists to determine that the required Floor Official approval was obtained where necessary; (3) and a review of liquidating transactions in light of dealer participation levels and re-entry into the market in terms of timing and support.

The NYSE submitted a report to the Commission on July 20, 1992 concerning the pilot program. As noted above, the NYSE concludes that the pilot program procedures appear to be working well in enabling specialists to reliquify appropriately to meet the needs of the market. The NYSE, therefore, concludes that specialists are using the Rule 104.10(6) pilot program in the manner that both the Commission and the Exchange envisioned. Accordingly, the Commission believes that it is reasonable to extend the pilot program for an additional three months to enable the Commission to fully review the NYSE report and to enable the pilot to continue without interruption during the Commission's review. During the next three months, the Commission would expect the NYSE to continue to monitor the pilot and update their report where appropriate. In particular, the NYSE should report any non-compliance with the rule and the action the NYSE has taken as a result of such non-compliance. The Commission requests that the NYSE submit its report on this subject by October 16, 1992.

The Commission finds good cause for approving the proposed rule change prior to the thirtieth day after the date of publication of notice of filing thereof. This will permit the pilot program to continue on an uninterrupted basis. In addition, the procedures the Exchange proposes to continue using are the identical procedures that were published in the **Federal Register** for the full comment period and were approved by the Commission.[7]

It therefore is ordered, pursuant to section 19(b)(2) of the Act,[8] that the proposed rule change is approved for a three month period ending on November 27, 1992.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[9]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 92-21092 Filed 9-1-92; 8:45 am]

BILLING CODE 8010-01-M

the Commission's rationale for approving those procedures on a pilot basis. The discussion in the aforementioned order is incorporated by reference into this order.

[6] See 1991 Approval Order, *supra* note 1.

[7] No comments were received in connection with the proposed rule change which implemented these procedures. See 1991 Approval Order, *supra* note 1.

[8] 15 U.S.C. 78s(b)(2) (1988).

[9] 17 CFR 200.30-3(a)(12) (1991).

[Release No. 34-31098; File No. SR-PSE 92-23]

Self-Regulatory Organizations; Filing and Immediate Effectiveness of Proposed Rule Change by the Pacific Stock Exchange, Inc. Relating to Market Maker Transactions Fees

August 26, 1992.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on July 29, 1992, the Pacific Stock Exchange, Inc. ("PSE" or "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to increase the per contract fee for Market Maker transactions by $0.01. Currently, the per contract fees for manual Market Maker transactions in equity options and index options are $0.085 and $0.10, respectively. The Exchange proposes to increase these per contract charges to $0.095 for equity options and $0.11 for index options. The per contract market maker fee for transactions executed automatically through the PSE's POETS system [1] are currently $0.075, while the per contract charge for semi-automatic execution through POETS is $0.125. The Exchange proposes to increase these charges to $0.085 and $0.135, respectively, per contract.

The text of the proposed rule change is available at the Office of the Secretary, PSE, and at the Commission.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries,

[1] POETS is an acronym for the Pacific Options Exchange Trading System. It is an integrated system that provides for, among other things, the automatic execution of options orders, electronic limit order book functions, anti-quote capabilities, and automatic order routing.

set forth in section (A), (B), and (C) below, of the most significant aspects of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The charge is being increased in order to fund an industry-wide options education and media program. All options exchanges and the Options Clearing Corporation are participants in the program.

The Exchange believes that the proposed rule change is consistent with section 6(b) of the Act, in general, and furthers the objectives of section 6(b)(4), in particular, in that it provides for the equitable allocation of reasonable charges among its members and persons using its facilities.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change imposes a burden on competition.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

No comments were received from members, participants or others.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing rule change establishes or changes a due, fee or other charge imposed by the Exchange, it has become effective pursuant to section 19(b)(3)(A) of the Act and subparagraph (e) of Rule 19b–4 thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of the PSE. All submissions should refer to File No. SR–PSE–92–23 and should be submitted by September 23, 1992.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 92–21091 Filed 9–1–92; 8:45 am]

BILLING CODE 8010–01–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE–92–25]

Petitions for Exemption; Summary of Petitions Received; Dispositions of Petitions Issued

AGENCY: Federal Aviation Administration, (FAA), DOT.

ACTION: Notice of petitions for exemption received and of dispositions of prior petitions.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption (14 CFR part 11), this notice contains a summary of certain petitions seeking relief from specified requirements of the Federal Aviation Regulations (14 CFR chapter I), dispositions of certain petitions previously received, and corrections. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATES: Comments on petitions received must identify the petition docket number involved and must be received on or before September 23, 1992.

ADDRESSES: Send comments on any petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rule Docket (AGC–10), Petition Docket No. _____, 800 Independence Avenue, SW., Washington, DC 20591.

The petition, any comments received, and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC–10), room 915G, FAA Headquarters Building (FOB 10A), 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267–3132.

FOR FURTHER INFORMATION CONTACT: Mr. C. Nick Spithas, Office of Rulemaking (ARM–1), Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267–9704.

This notice is published pursuant to paragraphs (c), (e), and (g) of § 11.27 of part 11 of the Federal Aviation Regulations (14 CFR part 11).

Issued in Washington, DC, on August 27, 1992.

Denise Donohue Castaldo,

Manager, Program Management Staff, Office of The Chief Counsel.

Petitions for Exemption

Docket No.: 23358.

Petitioner: Clarke Environmental Mosquito Management, Inc.

Sections of the FAR Affected: 14 CFR 91.313(c).

Description of Relief Sought: To extend Exemption No. 5010, as amended, which allows Clarke Environmental Mosquito Management, Inc., to carry passengers in its aircraft while in the restricted category within the conditions and limitations stated in its current exemption.

Docket No.: 25934.

Petitioner: Mr. William L. Morse.

Sections of the FAR Affected: 14 CFR 135.243(b)(3).

Description of Relief Sought: To extend Exemption No. 5137A, which allows Mr. William L. Morse to serve as pilot in command in day visual flight rule operations without having an instrument rating.

Docket No.: 26285.

Petitioner: Jet Management Group, Inc.

Sections of the FAR Affected: 14 CFR 135.165(B)(6) and (7).

Description of Relief Sought: To extend Exemption No. 5277 which allows Jet Management Group, Inc. to operate a Learjet 55B equipped with one high-frequency communications system in extended overwater operations.

Docket No.: 26810.

Petitioner: Air Ontario, Inc.

Sections of the FAR Affected: 14 CFR 91.715.

Description of Relief Sought: To allow Air Ontario, Inc. to operate foreign civil aircraft in the United States without

having to request special flight authorization for each operation conducted under § 91.715.

Docket No.: 26821.

Petitioner: MCI Telecommunications, Inc.

Sections of the FAR Affected: 14 CFR 61.57(d).

Description of Relief Sought: To authorize the pilot-in-command for MCI Telecommunications, Inc., holding an airline transport pilot certificate, to be allowed to maintain night takeoff and landing recency requirements through a combination of Phase II simulator checks and actual aircraft landings over longer intervals subject to additional restrictions.

Docket No.: 26877.

Petitioner: General Motors Air Transport Section.

Sections of the FAR Affected: 14 CFR 61.55

Description of Relief Sought: To permit General Motors Air Transport Section copilots to be trained and checked to the same standards as pilots-in-command. Copilots would be checked on their assigned aircraft at the same frequency required for pilots-in-command under § 61.58.

Docket No.: 26921.

Petitioner: Coastal Helicopters, Inc.

Sections of the FAR Affected: 14 CFR 135.143(c) (2)

Description of Relief Sought: To allow Coastal Helicopters, Inc., to install a Mode C, rather than a Mode S, transponder on its Bell 47G helicopter.

Docket No.: 26940.

Petitioner: Captain Frank P. Covie.

Sections of the FAR Affected: 14 CFR 121.383(c)

Description of Relief Sought: To allow Captain Frank P. Covie to serve as a pilot in part 121 air carrier operations after his 60th birthday.

Disposition of Petitions

Docket No.: 11366.

Petitioner: United States Custom Service.

Sections of the FAR Affected: 14 CFR 91.111(b), 91.117(a), (b), and (c), 91.209(a), and (d), 91.119(c), 91.127(c), and 91.159(a)

Description of Relief Sought/ Disposition: To amend Exemption No. 1459 from current §§ 91.111(b), 91.117(a), (b), and (c), 91.119(c), 91.127(c), 91.159(a), and 91.209(a), and (d) which allows the United States Custom Service to deviate from the pertinent provisions of the Federal Aviation Regulations that restrict aviation operations necessary to carry out its assigned law enforcement mission.

Partial Grant, August 14, 1992, Exemption No. 5504

Docket No.: 12227.

Petitioner: National Business Aircraft Association, Inc.

Sections of the FAR Affected: 14 CFR 91.119, 91.409, 91.501(a), 91.503 through 91.533, and 91.515(a) (1)

Description of Relief Sought/ Disposition: To extend Exemption No. 1637, as amended, which permits National Business Aircraft Association, Inc., to allow petitioner's members to use inspection programs required for large turbojet or turboprop powered airplanes for their small civil airplanes and helicopters. It also allows their operation of the aircraft under subpart F of part 91 of the Federal Aviation Regulations.

Grant, August 14, 1992, Exemption No. 1637Q

Docket No.: 078.

Petitioner: Drug Enforcement Administration.

Sections of the FAR Affected: 14 CFR 91.111(b), 91.117(a), (b), and (c), 91.119(c), 91.127(c), 91.159(a), and 91.209(a) and (d).

Description of Relief Sought/ Disposition: To amend Exemption No. 2181 from §§ 91.111(b), 91.117(a), (b) and (c), 91.119(c), 91.127(c), 91.159(a), and 91.209(a) and (d) of the Federal Aviation Regulations by extending its provisions. Exemption No. 2181 allows the DEA to deviate from the pertinent provisions of the FAR which constrain aviation operations necessary to carry out the assigned mission of enforcing Federal narcotics laws.

Partial Grant, August 14, 1992, Exemption No. 5506

Docket No.: 16230.

Petitioner: Federal Bureau of Investigation.

Sections of the FAR Affected: 14 CFR 91.111(b), 91.117(b), and (c), 91.119(b), (c) and (d), 91.123(a), 91.127(c), and 91.159(a), 91.209(a) and (d).

Description of Relief Sought/ Disposition: To amend Exemption No. 2397 from §§ 91.111(b), 91.117(b), and (c), 91.119(b), (c) and (d), 91.123(a), 91.127(c), and 91.159(a), 91.209(a) and (d) which allows the FBI to deviate from the pertinent provisions of the FAR which restrict aviation operations necessary to carry out its assigned law enforcement mission.

Partial Grant, August 14, 1992, Exemption No. 5505

Docket No.: 18324.

Petitioner: American Airlines.

Sections of the FAR Affected: 14 CFR 43.3 and 121.709(b)(3)

Description of Relief Sought/ Disposition: To extend Exemption No. 2678, as amended, which permits American Airlines to allow its properly trained and certificated flight engineers to stow passenger supplemental oxygen masks during flight and to make an entry in the aircraft maintenance logbooks in reference to that function.

Grant, August 24, 1992, Exemption No. 2678H

Docket No.: 21789.

Petitioner: Air Transport Association of America.

Sections of the FAR Affected: 14 CFR 61.49.

Description of Relief Sought/ Disposition: To extend Exemption No. 3474, as amended, which permits the airmen employees of the Air Transport Association of America (ATA) member airlines and similarly situated part 121 certificate holders to apply for retesting without waiting 30 days after a second (or subsequent) failure of the written or flight test, provided that a Part 121-authorized instructor has given that applicant additional flight ground instruction, as appropriate, and finds that applicant competent to pass the test.

Grant, August 18, 1992, Exemption No. 3474F

Docket No: 23492.

Petitioner: United States Hang Gliding Association, Inc.

Sections of the FAR Affected: 14 CFR 103.1(a)

Description of Relief Sought/ Disposition: To extend Exemption No. 4721, as amended, which permits members of the United States Hang Gliding Association, Inc. to operate two-place unpowered ultralight vehicles for the purposes of sport, training, and recreation.

Grant, August 14, 1992, Exemption No. 4721c

Docket No: 23576.

Petitioner: State of Florida, Florida Marine Patrol.

Sections of the FAR Affected: 14 CFR 91.119(c)

Description of Relief Sought/ Disposition: To amend Exemption No. 3936A which provides the Florida Marine Patrol continued relief from the pertinent provisions of Part 91 of the FAR to conduct certain law enforcement and natural resource management air support operations on behalf of federal law enforcement agencies.

Denial, August 14, 1992, Exemption No. 3936B

Docket No: 24187.
Petitioner: Florida Department of Law Enforcement.
Sections of the FAR Affected: 14 CFR 91.111(b), 91.119(c), 91.159(a), and 91.209(a)
Description of Relief Sought/ Disposition: To extend the provision of Exemption No. 3596C which provides the Florida Department of Law Enforcement continued relief from the pertinent provisions of Part 91 of the FAR in order to conduct law enforcement air support.

Partial Grant, August 14, 1992, Exemption No. 3596D

Docket No: 25024.
Petitioner: Institute of Aviation, University of Illinois.
Sections of the FAR Affected: 14 CFR Part 141, Appendices A, C, D, F, and H.
Description of Relief Sought/ Disposition: To extend Exemption No. 4719, as amended, which allows the University of Illinois Institute of Aviation to continue to train its students to a performance standard in lieu of meeting flight time requirements.

Grant, August 10, 1992, Exemption No. 4719C

Docket No: 25177.
Petitioner: United States Coast Guard.
Sections of the FAR Affected: 14 CFR 91.117 (b) and (c), 91.119(c), 91.127(c), 91.159(a), and 91.209(a).
Description of Relief Sought/ Disposition: To extend Exemption No. 5231 granting relief from the provisions of §§ 91.117(b) and (c), 91.127(c), 91.159(a), and 91.2309(a) of the Federal Aviation Regulations (FAR). The United States Coast Guard further requests exemption from § 91.119(c) of the FAR which it had been denied previously. A grant of this petition would permit the USCG to continue performing certain aircraft operations in noncompliance with the above regulations governing aircraft speed, use of aircraft lights, operations on or in the vicinity of an airport, and visual flight rules cruising altitudes or flight levels.

Partial Grant, August 13, 1992, Exemption No. 5231A

Docket No: 25494.
Petitioner: Bohlke International Airways.
Sections of the FAR Affected: 14 CFR 43.3(g).
Description of Relief Sought/ Disposition: To extend Exemption No. 4911 which allows appropriately trained and certificated pilots employed by Bohlke International Aiways to remove and install aircraft cabin seats and certain stretcher and base assemblies in BIA's Aero Commander Model 681 and Cessna Model 402 aircraft.

Grant, August 10, 1992, Exemption No. 5500

Docket No: 25844.
Petitioner: 4 Air.
Sections of the FAR Affected: 14 CFR 43.3(g).
Description of Relief Sought/ Disposition: To extend Exemption No. 5242 which allows properly trained pilots employed by 4 W Air to convert the cabins of certain aircraft from passenger to cargo configurations.

Grant, August 10, 1992, Exemption No. 5242A

Docket No: 26668.
Petitioner: Metro Air Charter, Inc.
Sections of the FAR Affected: 14 CFR 43.3(g).
Description of Relief Sought/ Disposition: To allow properly trained pilots employed by Metro Air Charter, Inc, to convert the cabins of its aircraft operated under FAR Part 135 from passenger to cargo configurations, and the converse, by removing and replacing passenger seats when such aircraft are specifically designed for that purpose.

Grant, August 14, 1992, Exemption No. 5508.

Docket No: 26600.
Petitioner: Keflavik Navy Flying Club.
Sections of the FAR Affected: 14 CFR 91.411(b) and 1.413(c).
Description of Relief Sought/ Disposition: To allow Icelandair Maintenance to perform the tests and inspections of the ATC transponder and the pilot static systems installed in a Piper Warrior PA–28–151, serial number 7415694 and a Grumman AA–1B, serial number 0156 model aircraft.

Grant, August 24, 1992, Exemption No. 5513

Docket No.: 26669.
Petitioner: Evergreen International Airlines, Inc.
Sections of the FAR Affected: 14 CFR 121.583(a)(8)
Description of Relief Sought/ Disposition: To permit Evergreen International Airlines, Inc. to provide transportation of its Boeing-747 cargo airplanes for up to four dependents of its employees to any destination, without complying with certain passenger-carrying requirements in Part 121, even though the dependents are not accompanied by their employee/ sponsor, or without regard as to whether the employee sponsor is travelling on company business.

Partial Grant, August 18, 1992, Exemption No. 5509

Docket No.: 26681.
Petitioner: Airlift International, Inc.
Sections of the FAR Affected: 14 CFR 121.356(a).
Description of Relief Sought/ Disposition: To permit Airlift International, Inc. to operate three Fairchild F–27 and one FH–227 aircraft without Traffic Alert and Collison Avoidance System II equipment.

Denial, July 30, 1992, Exemption No. 5489

Docket No.: 26730.
Petitioner: New York Helicopter.
Sections of the FAR Affected: 14 CFR 135.244(a)(1).
Description of Relief Sought/ Disposition: To permit the reduction of the number of hours of operating experience (IOE) that would otherwise be required for a pilot to serve as a pilot in command of a Bell 206 helicopter during operations conducted by New York Helicopter (NYH) as a Commuter Air Carrier. New York Helicopter would substitute both previous flight time, as PIC in the Bell 206 helicopter, with NYH, and previous IOE with NYH, in another make and model of helicopter.

Partial Grant, August 14, 1992, Exemption No. 5507

Docket No.: 26753.
Petitioner: Regional Airline Association.
Sections of the FAR Affected: 14 CFR 61.49(a).
Description of Relief Sought/ Disposition: To permit an applicant who fails a written or practical test for the second or subsequent time to apply for retesting before 30-days have expired, as would be otherwise required.

Grant, August 3, 1992, Exemption No. 5492

Docket No.: 26793.
Petitioner: Delta Air Lines, Inc.
Sections of the FAR Affected: 14 CFR 121.310(f)(5).
Description of Relief Sought/ Disposition: To permit the installation of a door between passenger compartments on the McDonnell Douglas MD–11 (MD–11) airplane.

Grant, August 10, 1992, Exemption No. 5413B

Docket No.: 26820.
Petitioner: Mazzei Flying Service.
Sections of the FAR Affected: 14 CFR 141.65.
Description of Relief Sought/ Disposition: To allow Mazzei Flying Service to hold examining authority for

the flight instructor and airline transport pilot written tests.

Denial, August 18, 1992, Exemption No. 5511

Docket No.: 26840.
Petitioner: Seneca Flight Operations.
Sections of the FAR Affected: 14 CFR 91.511(a)(2) and 135.165(b)(5)(6) and (7).
Description of Relief Sought/ Disposition: To allow Seneca Flight Operations to conduct extended overwater operations equipped with one long-range navigational system and one high-frequency communications system.

Grant, August 11, 1992, Exemption No. 5502

Docket No.: 26846.
Petitioner: University of North Dakota.
Sections of the FAR Affected: 14 CFR 141.65.
Description of Relief Sought/ Disposition: To allow University of North Dakota to hold examining authority for the flight instructor-airplane and flight instructor-instrument written tests.

Grant, August 19, 1992, Exemption No. 5512

Docket No.: 26869.
Petitioner: Practical Flight Systems, Inc.
Sections of the FAR Affected: 14 CFR 61.55(b)(2); 61.56(b)(1) 61.57(c) and (d); 61.58(c)(1) and (d); 61.63(d)(2) and (3); 61.67(d)(2); 61.157(d)(1) and (2) and (e)(1) and (2); part 61, appendix A; and part 121, appendix H.
Description of Relief Sought/ Disposition: To permit Practical Flight Systems, Inc. to use FAA-approved simulators to meet certain training and testing requirements of part 61 of the FAR.

Grant, August 18, 1992, Exemption No. 5497

Docket No.: 26883.
Petitioner: Tech Aviation.
Sections of the FAR Affected: 14 CFR 141.27(c)(2).
Description of Relief Sought/ Disposition: To permit Tech Aviation to reapply for a provisional pilot school certificate in less than 180 days after the date of the expiration of its prior certificate.

Grant, August 11, 1992, Exemption No. 5503

Docket No.: 26915.
Petitioner: Pan Am International Flight Academy.
Sections of the FAR Affected: 14 CFR 61.56(b)(1); 61.57(c) and (d); 61.58(c)(1) and (d); 61.63(d)(2) and (3); 61.67(d)(2); 61.157(d)(1) and (2) and (e)(1) and (2); part 61, appendix A; and part 121, appendix H.
Description of Relief Sought/ Disposition: To permit Pan Am International Flight Academy to use FAA-approved simulators to meet certain training and testing requirements of Part 61 of the FAR.

Grant, August 18, 1992, Exemption No. 5495

Docket No.: 26932.
Petitioner: Aerocar Aviation Corporation.
Sections of the FAR Affected: 14 CFR 91.805.
Description of Relief Sought/ Disposition: To allow the one-time operation of two noncomplying Stage 1 B–727–100 aircraft (Registration No. PP–JF, Serial No. 20419, and Registration No. PP–LT, Serial No. 19250) from Brazil to Miami, Florida, for disposition as scrap.

Denial, August 11, 1992, Exemption No. 5501

[FR Doc. 92–21096 Filed 9–1–92; 8:45 am]
BILLING CODE 4910–13–M

Proposed Modification of the Terminal Control Area at Salt Lake City, UT, Airport

AGENCY: Federal Aviation Administration (FAA), DOT.
ACTION: Notice of Informal Airspace Meeting.

SUMMARY: This notice announces a fact-finding informal airspace meeting to solicit information from airspace users and others concerning a proposal to modify the Salt Lake City, UT, Terminal Control Area (TCA). We will discuss the possibility of redesigning the TCA and raising the floor to 7,000 feet mean sea level to better accommodate en route operations proceeding north and south.

DATES: Any comments persons wish to submit for discussion at the meeting must be received on or before October 2, 1992. The informal airspace meeting will be held on October 28, 1992.

ADDRESSES: The location of the informal airspace meeting is as follows:
Date: Wednesday, October 28 1992.
Time: 7:00 p.m.
Location: Salt Lake City Civil Air Patrol Building, 640 North 2360 West, Salt Lake City, UT 84122.

Send comments on the proposal in triplicate to: Manager, Salt Lake City, UT, Airport Traffic Control Tower; Attn: Rebecca Hinz; Federal Aviation Administration; P.O. 22085, AMF; Salt Lake City, UT 84122.

FOR FURTHER INFORMATION CONTACT: Rebecca Hinz or Murry Hess; Salt Lake City, UT, Airport Traffic Control Tower; P.O. Box 22085, AMF; Salt Lake City, UT 84122; telephone: (801) 524–5190.

SUPPLEMENTARY INFORMATION:

Meeting Procedures

(a) This meeting will be informal in nature and will be conducted by a representative of the Administrator, FAA Northwest Mountain Region. Each participant will be given an opportunity to make a presentation, although a time limit may be imposed.

(b) This meeting will be open to all persons on a space-available basis. There will be no admission fee or other charge to attend and participate.

(c) Any person wishing to make a presentation to the panel will be asked to sign in and estimate the amount of time needed for such presentation so that timeframes can be established. This will permit the panel to allocate an appropriate amount of time for each presenter. The panel may allocate the time available for each presentation in order to accommodate all speakers. This meeting will not be adjourned until everyone on the list has had an opportunity to address the panel. This meeting may be adjourned at any time if all persons present have had the opportunity to speak.

(d) Position papers or other handout material relating to the substance of the meeting may be accepted. Participants wishing to submit handout material should present *three* copies to the presiding officer. There should be additional copies of each handout available for other attendees.

(e) This meeting will not be formally recorded. However, a summary of the comments made at this meeting will be filed in the docket.

Agenda

Opening Remarks and Discussion of Meeting Procedures
Public Presentations
Closing Comments

Issued in Washington, DC, on August 27, 1992.

Harold W. Becker,

Manager, Airspace-Rules and Aeronautical Information Division.

[FR Doc. 92–21094 Filed 9–1–92; 8:45 am]
BILLING CODE 4910–13–M

Passenger Facility Charge (PFC) Approvals and Disapprovals

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Monthly Notice of PFC Approvals and Disapprovals. In July 1992, there were eight applications approved.

SUMMARY: The FAA publishes a monthly notice, as appropriate, of PFC approvals and disapprovals under the provisions of the Aviation Safety and Capacity Act of 1990 (Title IX of the Omnibus Reconciliation Act of 1990) (Pub. L. 101–508) and Part 158 of the Federal Aviation Regulations (14 CFR part 158). This notice is published pursuant to paragraph d of § 158.29.

PFC APPLICATIONS APPROVED

Public Agency: Greater Rockford Airport Authority, Rockford, Illinois.
Application Type: Impose and Use PFC Revenue.
PFC Level: $3.00
Total Approved Net PFC Revenue: $1,177,348.
Earliest Permissible Charge Effective Date: October 1, 1992.
Duration of Authority to Impose: October 1, 1996.

Class of Air Carriers not Required to Collect PFC's

Air taxi operators.

Determination: Approved. The FAA has determined that the proposed class accounts for less than 1 percent of the airport's total annual enplanements.

Brief Description of Projects Approved to Impose and Use

Acquire parcel P,
Rehabilitate Runway 18–36,
Environmental assessment,
Overlay Taxiway C, the south parallel taxiway to Runway 18–36, and the west "GA" apron, and extend box culvert,
Update Part 150 study,
Snow removal equipment,
Construct parallel taxiway to Runway 6–24,
Extend Runway 18 and parallel taxiway,
Land acquisition (phase 1),
Snow removal equipment,
Overlay Runway 12–30,
Land acquisition (phase 2),
Snow removal equipment,
Land Acquisition for runway approaches,
Acquire snow and fire equipment,
Upgrade security to meet Part 107.14.

Brief Description of Projects Approved to Impose

Complete extension of Runway 6,
Construct parallel taxiway to Runway 6 extension.

Decision Date: July 24, 1992.

FOR FURTHER INFORMATION CONTACT: Mr. Louis Yates, Manager, Chicago Airports District Office, 2300 East Devon, Room 258, Des Plains, Illinois 60018, (312) 694–7335.

Public Agency: Maryland Aviation Administration, Baltimore, Maryland.
Application Type: Impose PFC.
PFC Level: $3.00.
Total Approved Net PFC Revenue: $141,866,000.
Earliest Permissible Charge Effective Date: October 1, 1992.
Duration of Authority to Impose: September 1, 2002.

Class of Air Carriers not Required to collect PFC's

Part 135 operators—charter carriers/air taxis.

Determination: Approved. The FAA has determined that the proposed class accounts for less than 1 percent of the airport's total annual enplanements.

Brief Description of Projects Approved to Impose

New international terminal,
Terminal roadway improvements,
Runway 10/28 extension.

Brief Description of Projects Approved in Part

Expansion of BWI fire/rescue facility.

Decision Date: July 27, 1992.

FOR FURTHER INFORMATION CONTACT: Robert B. Mendez, Manager, Washington Airport District Office, 101 West Broad Street, Suite 300, Falls Church, Virginia, 22046 (703) 285–2570.

Public Agency: Columbus Municipal Airport Authority, Columbus, Ohio.
Application type: Impose PFC.
PFC Level: $3.00.
Total Approved Net PFC Revenue: $7,341,707.
Earliest Permissible Charge Effective Date: October 1, 1992.
Duration of Authority to Impose: March 1, 1994.

Class of Air Carriers Not Required to Collect PFC's

Air taxi/commercial operators.

Determination: Approved. The FAA has determined that the proposed class accounts for less than 1 percent of the airport's total annual enplanements.

Brief Description of Projects Approved to Impose and Use

Wonderland acquisition/relocation
Plans and specifications—school soundproofing,
Automated identification system (phase 3),
Security vehicles,
Relocate Taxiway "B" from Taxiway "A" to "C–3" (engineering)
Southeast cargo apron, taxiway to Runway 13–31, and tug road,
Boundary survey,
Top trees—approach to Runway 23,
Runway 5 easements,
Relocate Taxiway "B" from Taxiway "A" to Taxiway "C–3" (construction),
Relocate Taxiway "C" (phase 1),
Relocate Taxiway "C" (phase 2),
Soundproof schools (phase 3),
Noise monitoring,
Residential soundproofing,
Maintenance runup pad,
Southeast cargo apron (construction),
Relocate Taxiway "B" (phase 2) (engineering),
Relocate Taxiway "B" (phase 2) (construction),
Relocate Taxiway "C" (phase 3),
Escalator construction,
Crack seal and seal coat terminal apron,
Stabilized shoulders Runway 28L–10R,
Electronic monitoring of airfield lighting and vault work (engineering),
North concourse apron,
Stabilized shoulder—Runway 28L–10R and Runway 10R blast pad (construction),
Relocate lights Taxiway "G",
Replace Runway 5–23 lighting cable,
Snow removal equipment—three heavy trucks with snow plows,
Snow removal equipment—medium weight truck with plow,
Snow removal equipment—three spreaders,
Communication and closed circuit television system,
North Concourse Expansion (Engineering).

Brief Description of Projects Approved To Impose at Bolton Field Airport

Snow removal equipment/material storage building,
Overlay alpha ramp,
Snow removal truck,
T-hanger apron and taxiway,
Crosswind runway.

Decision date: July 14, 1992.

FOR FURTHER INFORMATION CONTACT: Mr. Peter Serini, Manager Airports District Office, Willow Run Airport, East, 8820 Beck Road, Belleville, MI 48111 (313) 487–7300.

Public Agency: Erie Municipal Airport Authority, Erie, Pennsylvania.
Application Type: Impose and Use PFC Revenue.
PFC level: $3.00.
Total approved PFC net revenue: $1,997,885.
Earliest Permissible Charge Effective Date: October 1, 1992.
Duration of Authority to Impose: June 1, 1997.
Class of Air Carriers Not Required to Collect PFC's: None.

Brief Description of Projects Approved To Impose and Use

Airport improvement program (AIP) 8–87 easements,
AIP 13–90 Federal Inspection Facility and Runway 20 rehabilitation,
AIP 14–90 apron expansion, security improvements, runway 10–28 taxiway conversion, design Runway 6–24 rehabilitation,
AIP 15–91 and 16–92 acquire property to provide tower line-of-sight,
Rehabilitate Runway 6–24,
Material/equipment storage,
Terminal building remodeling,
Noise mitigation (phase 1),
Runway 6–24 extension—environmental assessment and planning,
Rehabilitate cargo apron,
Replace terminal heating, ventilation, and air conditioning equipment,
Apron lighting,
Taxiway C rehabilitation,
Commuter walkway.

Brief Description of Projects Approved To Impose

Safety equipment,
Terminal handicapped access,
Security Equipment: patrol vehicle; command post; public safety office construction.

Brief Description of Projects Disapproved

Telephone System.

Determination: This project is not AIP eligible, and, therefore, is not PFC eligible. The EMAA request total PFC funding for this project.

Decision Date: July 21, 1992.

FOR FURTHER INFORMATION CONTACT: L.W. Walsh, Manager Harrisburg Airport District Office, 3911 Hartzdale Dr. suite 1, Camp Hill, PA 17011 (717) 782–4548.

Public Agency: City of Worcester, Worcester, Massachusetts.

Application Type: Impose PFC.

PFC Level: $3.00.

Total Approved Net PFC Revenue: $2,301,382.

Earliest Permissible Charge Effective Date: October 1, 1992.

Duration of Authority to Impose: October 1, 1997.

Class of Air Carriers not Required to Collect PFC's: None.

Brief Description of Projects Approved To Impose

Reconstruct terminal apron and Taxiway "B",
Install lighting and groove Runway 11–29,
Construction taxiway and install fencing.

Decision Date: July 28, 1992.

FOR FURTHER INFORMATION CONTACT: Priscilla A. Soldan, Airports Program Specialist, Federal Aviation Administration, Airports Division, 12 New England Executive Park, Burlington, Massachusetts 01803 (617) 273–7054.

Public Agency: Port Authority of New York and New Jersey, New York, New York.

Application Type: Impose and Use PFC Revenue.

PFC Level: $3.00.

Total Approved Net PFC Revenue to be Collected at John F. Kennedy International Airport (JFK): $109,980,000.

Total Net PFC Revenue to be Collected at LaGuardia Airport (LGA): $87,420,000.

Total Approved Net PFC Revenue to be Collected at Newark International Airport (EWR): $84,600,000.

Earliest Permissible Charge Effective Date: October 1, 1992.

Duration of Authority to Impose: August 1, 1995.

Class of Air Carriers Not Required to Collect PFC's: Air taxis, except commuter air carriers.

Determination: Approved. The members of the excluded class differ at each airport. Carriers should review specific application for the appropriate airport or consult with the Port Authority to determine if they are a member of the class excluded from PFC collection at a particular airport.

Brief Description of Projects Approved To Impose and Use

JFK/LGA automated guideway transit (AGT)—initial phase.

Brief Description of Projects Approved To Impose

Passenger distribution system

Brief Description of Projects Withdrawn

JFK/LGA AGT implementation (phases 1 and 2).

Determination: The Port Authority of New York and New Jersey withdrew this project from consideration by letter dated July 21, 1992.

Decision Date: July 23, 1992.

FOR FURTHER INFORMATION CONTACT: Mr. Philip Brito, Manager, New York Airports District Office, 181 South Franklin Ave, rm. 305, Valley Stream, NY, 11581 (718) 553–1882.

Issued in Washington, DC, on August 24, 1992.

Leonard L. Griggs, Jr.,

Assistant Administrator for Airports.

CUMULATIVE LIST OF PFC APPLICATIONS PREVIOUSLY APPROVED

State, airport, city	Date approved	Level of PFC	Total approved net PFC revenue	Earliest charge effective date	Estimated charge expiration date*
Alabama:					
Huntsville Intl-Carl T Jones Field, Huntsville	3/6/1992	$3	$20,831,051	6/01/1992	11/01/2008
Muscle Shoals Regional, Muscle Shoals	2/18/1992	3	104,100	6/01/1992	2/01/1995
California:					
Metropolitan Oakland International, Oakland	6/26/1992	3	8,736,000	9/01/1992	9/01/1993
Palm Springs Regional, Palm Springs	6/25/1992	3	44,612,350	10/01/1992	6/01/2019
San Jose International, San Jose	6/11/1992	3	29,228,626	9/01/1992	8/01/1995
Lake Tahoe, South Lake Tahoe	5/01/1992	3	928,747	8/01/1992	3/01/1997
Colorado:					
Denver International (new), Denver	4/28/1992	3	2,330,734,321	7/01/1992	1/01/2026
Florida:					
Sarasota-Bradenton, Sarasota	6/29/1992	3	38,715,000	8/01/1992	9/01/2005
Georgia:					
Savannah International, Savannah	1/23/1992	3	39,501,502	7/01/1992	3/01/2004
Illinois:					
Greater Rockford, Rockford	7/24/1992	3	1,177,348	10/01/1992	10/01/1996
Capital, Springfield	3/27/1992	3	682,306	6/01/1992	5/1/1994
Massachusetts:					
Worcester Municipal, Worcester	7/28/1992	3	2,301,382	9/01/1992	10/01/1997

CUMULATIVE LIST OF PFC APPLICATIONS PREVIOUSLY APPROVED—Continued

State, airport, city	Date approved	Level of PFC	Total approved net PFC revenue	Earliest charge effective date	Estimated charge expiration date*
Maryland:					
Baltimore-Washington International, Baltimore	7/27/1992	3	141,866,000	10/01/1992	9/01/2002
Minnesota:					
Minneapolis-St Paul International, Minneapolis	3/31/1992	3	23,408,819	6/01/1992	4/01/1993
Mississippi:					
Golden Triangle Regional, Columbus	5/08/1992	3	1,693,211	8/01/1992	9/01/2006
Gulfport-Biloxi Regional, Gulfport-Biloxi	4/3/1992	3	384,028	7/01/1992	12/01/1993
Hattiesburg-Laurel Regional, Laurel-Hattiesburg	4/15/1992	3	119,153	7/01/1992	1/01/1998
Montana:					
Missoula International, Missoula	6/12/1992	3	1,900,000	9/1/1992	8/01/1997
New Jersey:					
Newark International, Newark	7/23/1992	3	84,600,0000	10/01/1992	08/01/1995
Nevada:					
McCarran International, Las Vegas	2/24/1992	3	428,054,380	6/01/1992	02/01/2004
New York:					
Greater Buffalo International, Buffalo	5/29/1992	3	189,873,000	8/01/1992	3/01/2026
John F Kennedy International, New York	7/23/1992	3	109,980,000	10/01/1992	8/01/1995
Laguardia, New York	7/23/1992	3	87,420,000	10/01/1992	8/01/1995
Ohio:					
Akron-Canton Regional, Akron	6/30/1992	3	3,594,000	9/01/1992	8/01/1996
Port Columbus International, Columbus	7/14/1992	3	7,341,707	10/01/1992	03/01/1994
Oklahoma:					
Lawton Municipal, Lawton	5/08/1992	2	334,078	8/01/1992	1/01/1996
Tulsa International, Tulsa	5/11/1992	3	8,450,000	8/01/1992	8/01/1994
Oregon:					
Portland International, Portland	4/8/1992	3	17,961,850	7/01/1992	7/01/1994
Pennsylvania:					
Erie International, Erie	7/21/1992	3	1,997,885	10/01/1992	6/01/1997
Philadelphia International, Philadelphia	6/29/1992	3	76,169,000	9/01/1992	7/01/1995
Tennessee:					
Memphis International, Memphis	5/28/1992	3	26,000,000	8/1/1992	12/01/1994
Virginia:					
Charlottesville-Albemarle, Charlottesville	6/11/1992	2	255,559	9/01/1992	11/01/1993

*The estimated charge expiration date is subject to change due to the rate of collection and actual allowable project costs.

[FR Doc. 92–21095 Filed 9–1–92; 8:45 am]
BILLING CODE 4910–13–M

Federal Highway Administration

Public Meeting to Discuss the Permanent International Association of Road Congresses (PIARC)

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of public meeting.

SUMMARY: The FHWA announces that a public meeting will be held on September 25, 1992, at 400 7th Street, SW., room 4200, Washington, DC. The meeting will begin at 1:30 p.m. and end at 5 p.m. This meeting is intended as a public forum for the exchange of information related to U.S. participation in the Permanent International Association of Road Congresses. Discussions will center on the review of highway-related technical activities under way in PIARC and opportunities for the United States highway community to participate.

FOR FURTHER INFORMATION CONTACT: Mr. Donald Symmes (HPI–10), room 3327, 400 Seventh Street, SW., Washington, DC 20590, (202) 366–9627. Office hours are from 9 a.m. to 5:30 p.m., e.t., Monday through Friday, except for legal Federal holidays.

Authority: 23 U.S.C. 315, 49 CFR 1.48.

Issued on: August 27, 1992.

T.D. Larson,

Administrator.

[FR Doc. 92–21076 Filed 9–1–92; 8:45 am]
BILLING CODE 4910–22–M

Federal Railroad Administration

[FRA Emergency Order No. 16, Notice No. 3]

Owners of Railroad Tank Cars; Railroads Modification of Emergency Order Requiring Inspection and Repair of Dual Diameter Tank Cars

The Federal Railroad Administration [FRA] of the United States Department of Transportation finds that Emergency Order No. 16, Notice No. 1 (57 FR 11900; April 7, 1992) and Notice No. 2 (57 FR 22014; May 26, 1992) should be modified. This Notice summarizes the status of the inspection and repair work performed to date and modifies the required sample size for small fleets.

Authority

Authority to enforce the Federal railroad safety laws, including laws pertaining to the transportation of hazardous materials by railroad, has been delegated by the Secretary of Transportation to the Federal Railroad Administrator. 49 CFR 1.49. Railroads, shippers of hazardous materials, and owners of tank cars are subject to FRA's safety jurisdiction under the Federal Railroad Safety Act of 1970, 45 U.S.C. 421, 438, and the Hazardous Materials Transportation Act, as amended, 49 App. U.S.C. 1804. FRA is authorized to issue emergency orders where an unsafe condition or practice creates "an emergency situation involving a hazard of death or injury to persons." 45 U.S.C. 432(a). These orders may immediately impose "such restrictions or prohibitions as may be necessary to bring about the abatement of such emergency situation." (*Ibid.*)

Background

On April 2, 1992, the FRA issued Emergency Order No. 16, effective 12:01 a.m. April 4, 1992 (57 FR 11900, April 7, 1992), requiring owners of dual-diameter tank cars to develop a sampling plan for inspecting such cars with a 99 percent

confidence level that no more than one percent of the dual-diameter cars of any given design type would contain a structural imperfection in the critical transition welds. Any defects discovered were to be repaired before returning the car to service and any discovery of a weld defect would subject all cars built to that design to an inspection requirement. Emergency Order No. 16 prohibited the loading or offering into transportation of any dual-diameter tank car until its owner had submitted a sampling plan and, once the plan had been submitted, the order further required cars that were part of the sample to be inspected before loading and not later than 60 days after the effective date of the order.

The FRA amended the order on May 26, 1992 by modifying the number of cars to be inspected in the initial 60 days; extending the time for completing inspections of cars included in the sample plans; specifying that the prohibited imperfections were those that may initiate crack growth; clarifying the identity of the "owner" of a tank car; and publishing an FRA approval of an alternative inspection protocol using ultra-sound technology.

Since issuance of the order, FRA has gained considerable insight into the structural integrity of dual-diameter design types. Unlike the car that failed near Dragon, Mississippi, many of these cars have sill structures with reinforcement plates extending beyond the large diameter circumferential weld. Such a design appears to redistribute the induced train action forces (i.e., draft, buff, vertical, and inertial loads) throughout the tank. In a letter dated April 8, 1992, Union Tank Car Company provided calculations showing that, depending on the thickness of the reinforcement plate and the tank shell, the extended-plate design will increase the theoretical fatigue life of the critical joint by a factor of 3.9 to 8.9. FRA's review of the Union calculations, combined with the results of the inspections reported thus far under this Emergency Order, shows that tank car designs calling for a reinforcement plate extending beyond the large diameter circumferential weld do not show the shell cracking that led to the failure at Dragon, Mississippi.

As of August 21, 1992, owners of tank cars under the inspection program have performed inspections of 2,201 tank cars, or 93 percent, of a sample size of 2,357, and 37 percent of a total population of 5,974 dual-diameter tank cars. Sampling was based on a hypergeometric distribution (finite lot size). Such a sampling scheme provides a high degree of confidence that the appearance of defects on non-inspected tank cars will be less than a pre-specified number, in this case 1 percent.

In response to Notice No. 1 of this Emergency Order, owners identified nine specific design types with car populations ranging from 100 to 1970 cars. Finite lot sizes (the number of cars of each population group required to be sampled) were developed based on the population of each design type of dual-diameter car. Despite its benefits, the problem with this method of choosing sample fleets it that it tends to impose a disproportionate burden on small fleet sizes, particularly those where the design type has fewer than 500 cars. For example, one car owner reported that, for his design type, hypergeometric distribution required him to look at over 78 percent of his fleet at the same time other, larger, fleets required inspection of only 25 percent of their total car population.

While it is important to choose an inspection level that will yield confidence in the objectives of the program, FRA believes that the inspection results to date on more than 2,200 tank cars are remarkably uniform and are consistent with equitably relieving the inspection burden on small populations of tank cars. It is plan to say that, other than the design removed from service following the complete shell failure at Dragon, no other designs have been similarly restricted despite the provision that *any* appearance of a structural defect that may initiated crack growth is the basis for removing all cars of the same design-type from service until inspected. It thus appears more likely than previously could be established that the crack phenomenon is related to a single design (or design feature) rather than being an inherent characteristic of the dual-diameter fleet as a whole.

It is FRA's judgement that, for design types with a population of less than 500, when owners successfully inspect at least 50 per cent of the population of that design type, they may be deemed to have established its serviceability. However, the threat of a dual-diameter shell failure remains at least a statistical possibility as long as any of these cars are in service and FRA will continue to insist that discoveries of structural defects in the critical area established in Notice No. 1 (that is, along the A1, A2, B1 and B2 circumferential welds, two inches on either side of the weld and within twenty-four inches of either side of the lower longitudinal centerline) that may initiate crack growth be immediately reported.

Finding and Order

I find that the emergency situation involving a hazard of death or injury to persons that led to the issuance of Emergency Order No. 16, has not been completely abated and, accordingly, pursuant to the authority of section 203 of the Federal Railroad Safety Act of 1970 (45 U.S.C. 432), delegated to me by the Secretary of Transportation (49 CFR 1.49), it is ordered that Emergency Order No. 16, Notice No. 1, as amended by Notice No. 2, be further amended as follows:

1. Owners of dual-diameter tank cars with a design type population of 500 or fewer cars (other than GATX Design 16 cars) who have inspected a minimum of 50 percent of the population of that design type and found no structural defect that may initiate crack growth are relieved of the duty of inspecting, under Emergency Order No. 16 as amended, the remaining non-inspected cars of that design type now listed as part of a sample plan.

2. Owners of dual-diameter tank cars who find, whenever and by whatever means, an imperfection as defined in Appendix W of the tank car Manual, and the imperfection is a structural defect that may initiate crack growth, shall immediately notify FRA and any other owners of cars built to that design type (to the extent the owner knows of such other owners). Thereafter, owners of cars of that design type must ensure that all such cars are inspected in accordance with paragraph 8 of Notice No. 1 of this Order or with the alternative ultra-sound techniques authorized by Notice No. 2 before permitting any further loading of such cars.

Relief

Tank car owners may obtain relief from this Order by performing the inspections and making the reports as required.

Penalties

Each violation of this Emergency order shall subject the person committing such violation to a civil penalty of up to $20,000. 45 U.S.C. 432, 438. FRA may, through the Attorney General, also seek injunctive relief to enforce this order. 45 U.S.C. 439.

Notice to Affected Persons

Notice of this Order will be provided by publishing it in the **Federal Register**. Copies of this Notice No. 3 of Emergency Order No. 16 were sent by mail or facsimile prior to publication to the Association of American Railroads, the American Short Line Railroad

Association, the Regional Railroads of America, the Railway Progress Institute, all members of the AAR Tank Car Committee, and to owners of dual-diameter tank cars as follows: ACF Industries, Inc., Aeropres Corp., Bay Cities Gas, Canadian Enterprise Gas Products Ltd., CGTX, Inc., Chevron U.S.A. Products Company, Coastal Chem, Inc., CONOCO Inc., Continental Tank Car Corporation, General American Transportation Corporation, GLNX Corporation, Home Oil Company Limited, Mallard Transportation Company, Mobile Oil Corporation, Petrosol International, Inc., Phillips 66 Company, PLM Transportation Equipment Corp., SAZ Transportation Corporation, Suburban Propane/Petrolane, Sun Refining and Marketing Company, Texas Petrochemicals Corporation, Trident NGL, Inc., Union Tank Car Company, United States Rail Services, Inc., Vista Chemical Company, Willard Grain & Feed Inc., and ZIP Transportation Company, Inc.

Review

Opportunity for formal review of this Emergency Order will be provided in accordance with section 203(b) of the Federal Railroad Safety Act of 1970, 45 U.S.C. 432(b), and section 554 of title 5 of the United States Code. Administrative procedures governing such review are found in 49 CFR part 211 (see § 211.47, .71–.75)..

Effective Date

This amendment to Emergency Order No. 16, Notice No. 1 and 2, shall be effective immediately upon issuance.

Issued in Washington, DC on August 27, 1992.

Gilbert E. Carmichael,

Administrator.

[FR Doc. 92–21147 Filed 9–1–92; 8:45 am]

BILLING CODE 4910–06–M

Research and Special Programs Administration

[Notice No. 92–8]

International Standards on the Transport of Dangerous Goods; Request for Comments

AGENCY: Research and Special Programs Administration (RSPA), Department of Transportation.

ACTION: Request for comments.

SUMMARY: The RSPA Associate Administrator for Hazardous Materials Safety on behalf of the Department of State represents the United States at meetings of the United Nations Committee of Experts on the Transport of Dangerous Goods in Geneva, Switzerland. The Committee is responsible for the United Nations Recommendations on the Transport of Dangerous Goods (UN Recommendations) which form the basis for the International Civil Aviation Organization (ICAO) Technical Instructions on the Safe Transport of Dangerous Goods by Air (ICAO Technical Instructions), and the International Maritime Organization (IMO) International Maritime Dangerous Goods Code (IMDG Code). Through recent amendments to the U.S. Hazardous Materials Regulations (HMR; 49 CFR parts 100–180), U.S. regulations were substantially aligned with the UN Recommendations. While the UN Committee will consider many issues affecting the UN Recommendations at its seventeenth session in December 1992, RSPA is formally requesting comments on (1) whether the acute oral toxicity criterion for toxic solids should be amended and (2) whether the label identifying toxic substances of minor hazard should be revised.

DATES: Comments must be received on or before September 18, 1992.

FOR FURTHER INFORMATION CONTACT: Frits Wybenga, telephone (202) 366–0656, International Standards Coordinator for Hazardous Materials Safety, RSPA, Department of Transportation, Washington, DC 20590–0001, office hours 7:15 a.m.–3:45 p.m.

ADDRESSES: Comments to this notice should reference the notice number and be addressed to the Dockets Unit, Research and Special Programs Administration, U.S. Department of Transportation, Washington, DC 20590–0001. Persons wishing to receive confirmation of receipt of their comments should include a self-addressed stamped postcard showing the notice number. The Dockets Unit is located in Room 8419 of the Nassif Building, 400 Seventh Street SW., Washington, DC 20590–0001. Telephone: (202) 366–5046. FAX number: (202) 366–3753. Public dockets may be reviewed between the hours of 8:30 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Acute Toxicity Criteria

Efforts are now underway in a number of international fora to develop internationally harmonized multiregulatory classification criteria for hazardous materials. The purpose of this work is to minimize the amount of testing of substances which may be subject to a variety of regulatory requirements (e.g., environmental, consumer protection, workplace safety and transport) in the various countries where the substance is produced, used or transported. The existing classification criteria used by various regulatory authorities are being considered in the development of the internationally harmonized multiregulatory criteria. The classification criteria contained in the UN Recommendations are among the criteria being considered.

Acute oral toxicity is the first hazard being considered in the effort to develop internationally harmonized multiregulatory classification criteria. The Organization for Economic Cooperation and Development (OECD) has hosted several meetings with the intent of developing international criteria for acute oral toxicity. These discussions have resulted in general agreement that the criteria for acute oral toxicity should be based on LD_{50} (lethal dose for 50 percent of the population of animals tested expressed in milligrams of substance per kilogram of body weight) values obtained using OECD test methods and that three levels of toxicity should be identified for regulatory purposes. General agreement has also been reached on a lower level LD_{50} value of 50 mg/kg and an upper level value of 2000 mg/kg. The upper level of 2000 mg/kg is not relevant to transport regulations. The need for the 5 mg/kg level already used in the UN Recommendations was acknowledged by the OECD group but not included as one of the defined levels.

Selection of a mid-range level has proven to be more contentious. Some participants in the OECD discussions advocate a mid-range level of 200 mg/kg, while others advocate using a value of 500 mg/kg. The majority favor the use of the 500 mg/kg value as the mid-range toxicity level. The UN Recommendations and the HMR (49 CFR 173.132(i)) currently used LD_{50} toxicity levels of 200 mg/kg for solids and 500 mg/kg for liquids in the criteria for differentiating between regulated and nonregulated substances. While noting the two different values contained in the transport criteria, the majority at the OECD meetings favor a single value at the mid-range toxicity level.

It was agreed at these OECD meetings that the UN Committee would reevaluate its criteria for acute oral toxicity in the light of these OECD discussions and that the UN Committee would provide OECD with its recommendations at the conclusion of

the December 1992, UN Committee meeting.

The internationally harmonized criteria for classification of hazardous materials for purposes of transportation, as contained in the UN Recommendations, are accepted worldwide through their incorporation in international modal transport regulations, the U.S. HMR and other national and regional regulations. Therefore, when multiregulatory criteria under development deviate from the criteria already contained in the UN Recommendations, changes to the HMR and international transport regulations may be required. With this potential impact in mind, it is important that each deviation be carefully considered and justified before a commitment is made at international meetings. In order to develop a U.S. position for the December meeting which may later serve as the basis for proposed amendments to the HMR, responses to the following questions are needed:

1. Should the transport criteria for acute oral toxicity be amended so that the level for liquids and solids is the same (e.g., 500 mg/kg)? Or, should a level of 500 mg/kg be selected for purposes of the internationally harmonized multiregulatory criteria with relief provided in the transport regulations for solids when the toxicity is shown to be less than 200 mg/kg?

2. What would be the impact of shifting the acute oral toxicity level for solids from 200 mg/kg to 500 mg/kg in transport regulations?

At the present time, RSPA favors establishing a single mid-range value of 500 mg/kg and considers that maintaining a separate value of 200 mg/kg for solids within the transport regulations would result in substantial confusion between information required by workplace safety and transport regulations.

Label Identifying Toxic Substances of Minor Danger

Discussions on the development of internationally harmonized multiregulatory classification criteria and recent decisions of the UN Sub-Committee of Experts on the Transport of Dangerous Goods compel RSPA to reconsider the need for the label identifying toxic substance of minor danger.

The UN Recommendations currently include two different labels for purposes of identifying substances that meet the criteria for toxic substances of Division 6.1. A label incorporating a skull and cross bones symbol is used for substances which pose high (packing group I) and medium (packing group II) danger. This label is referred to as the division 6.1 packing group I and II label. For substances with a minor toxicity danger (packing group III) a label incorporating an ear of wheat with an "X" through it is prescribed. This label is referred to as the St. Andrew's cross label and is described in 49 CFR 172.431. In the case of the St. Andrew's cross label, the UN Recommendations allow the inscription "HARMFUL" and "STOW AWAY FROM FOODSTUFFS" to be placed on the label. Due to the allowed inscription, the label is also frequently referred to as the "harmful" label.

The European Joint Meeting of the RID Safety Committee and the Working Party on the Transport of Dangerous Goods (Joint Meeting) is presently incorporating the UN Recommendations' provisions applying to toxic substances into European regulations for highway and rail transport of dangerous goods. At the sixth session of the UN Sub-Committee, over the objections of the U.S. representative, the Joint Meeting proposed and the UN Sub-Committee tentatively adopted, amendments affecting the proper shipping names of the generic entries (i.e., "not otherwise specifies" entries) for substances which pose a danger of toxicity at the packing group III level. This change would substitute the word "harmful" for the word "toxic" in the generic proper shipping names for substances meeting the criteria for Division 6.1 when the toxicity danger is at the packing group III level. The basis for using the word "harmful" is that the St. Andrew's cross label is also referred to as the "harmful" label. RSPA disagrees with the substitution of the word "harmful" for the word "toxic" because the word "harmful" does not convey the nature of the hazard posed by a substance any more effectively than the words "hazardous" or "dangerous". As an example of a result of this proposal, a substance ge dm2:a02se3.107currently transported under United Nations number "1992" as FLAMMABLE LIQUID, TOXIC, N.O.S. would, if the proposal is adopted, be transported as FLAMMABLE LIQUID, HARMFUL, N.O.S. when the toxicity hazard is at the packing group III level.

RSPA believes that the use of a different label for purposes of identifying packing group III toxic substances should be considered at this time for the following reasons:

1. The St. Andrew's cross label and the words which may be placed on the label wrongly imply that the substances meeting the packing group III toxicity criteria only pose a risk of food contamination and fails to convey other hazards such as dermal and inhalation.

2. As a result of the efforts to develop internationally harmonized multiregulatory classification criteria described above, other nontransportation-related regulatory agencies in both the U.S. and in other countries will identify these substances as toxic.

3. By substituting a different label for the St. Andrew's cross label, RSPA may reverse the UN Sub-Committee's tentative decision to substitute the word "harmful" for "toxic" as described above.

In its proposal to the UN Committee, RSPA would recommend that the same label that is currently used to identify packing group I and II toxic substances be used to identify packing group III substances. Because of the operational benefits of distinguishing between toxic substances of packing groups I and II from substances of packing group III, RSPA would also propose that the UN Recommendations allow "III" to be placed on the label in the case of a packing group III substance.

Alan I. Roberts,

Associate Administrator for Hazardous Materials Safety.

[FR Doc. 92–21149 Filed 9–1–92; 8:45 am]

BILLING CODE 4910–60–M

DEPARTMENT OF THE TREASURY

Public Information Collection Requirements Submitted to OMB for Review

Dated: August 27, 1992.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Public Law 96–511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 3171 Treasury Annex, 1500 Pennsylvania Avenue, NW., Washington, DC 20220.

Internal Revenue Service

OMB Number: 1545–0140.

Form Number: IRS Forms 2210 and 2210F.

Type of Review: Revision.

Title: Underpayment of Estimated Tax

by Individuals and Fiduciaries (Short Method and Regular Method (2210) Underpayment of Estimated Farmers and Fishermen (2210F).

Description: Internal Revenue Code section 6554 imposes a penalty for failure to pay estimated tax. This form is used by taxpayers to determine whether they are subject to the penalty and to compute the penalty if it applies. The IRS uses this information to determine whether the taxpayer is subject to the penalty, and to verify the penalty amount.

Respondents: Individuals or households, Farms, Businesses or other for-profit.

Estimated Number of Respondents/Recordkeepers: 900,000.

Estimated Burden Hours Per Respondents/Recordkeepers:

	Short method form 2210	Regular method form 2210	Form 2210F
Recordkeeping	7 min	13 min	33 min.
Learning about the law or the form	7 min	44 min	7 min.
Preparing the form	34 min	1 hr., 32 min	20 min.
Copying, assembling, and sending the form to the IRS.	20 min	46 min	20 min.

Frequency of Response: Annually.

Estimated Total Reporting Burden: 2,856,250 hours.

Clearance Officer: Garrick Shear (202) 622–3869, Internal Revenue Service, room 5571, 1111 Constitution Avenue, NW., Washington, DC 20224.

OMB Reviewer: Milo Sunderhauf (202) 395–6880, Office of Management and Budget, room 3001, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,

Departmental Reports, Management Officer.

[FR Doc. 92–21105 Filed 9–1–92; 8:45 am]

BILLING CODE 4830–01–M

Establishment of the Department of the Treasury Tax Policy Advisory Group

ACTION: Announcement of Establishment.

SUMMARY: The Department of the Treasury has established a Treasury Tax Policy Advisory Group. The primary purpose of this Group is to provide an organized public forum for an open discussion of relevant tax policy issues between Treasury Department officials and representatives of the public.

The Group will provide on-going observations and suggestions on a number of tax policy matters, including: (1) Priority of topics for consideration; (2) development of broad-based policy initiatives; (3) tax policy studies; (4) the models, methodology, and data used to develop and assess the impact of various tax policy proposals; and (5) overall management of the tax policy function. The Group will be instrumental in providing advice on issues that range from the taxation of multinational business activities to issues of concern for small businesses, individual and low-income taxpayers, state and local governments and consumer organizations.

SUPPLEMENTARY INFORMATION: The Group will report to the Treasury Department Assistant Secretary for Tax Policy. Group members are not paid for their time and services; but consistent with Federal regulations, they will be reimbursed for their travel and lodging to attend three to four two-day meetings each year.

The Department of the Treasury is interested in broad-based representation in all aspects of tax policy. No person who is required to register under the Foreign Agents Registration Act as an agent or representative of a foreign principal may serve on a Federal advisory committee. Anyone who wishes to be considered for participation on the Group should advise the Department of the Treasury, Office of Tax Policy, 1500 Pennsylvania Avenue, NW., room 3120 MT, Washington, DC 20220, by September 15, 1992. Questions may be directed to Gary J. Gasper, Senior Advisor to the Assistant Secretary (Tax Policy) on (202) 622–0160 (not a toll-free number).

Alan J. Wilensky,

Deputy Assistant Secretary, (Tax Policy).

[FR Doc. 92–21059 Filed 9–1–92; 8:45 am]

BILLING CODE 4810–25–M

Office of the Comptroller of the Currency

[Docket No. 92–16]

Branch Closings

AGENCY: Office of the Comptroller of the Currency, Treasury.

ACTION: Notice of the proposed advisory statement and request for comment.

SUMMARY: The Office of the Comptroller of the Currency (OCC) is requesting comment on its proposed guidance to national banks as set forth in the attached proposed advisory statement regarding branch closings by national banks and insured Federal branches. The full text of the proposed advisory statement is provided in this notice. This notice is intended to seek comment on the proposed guidance from the widest possible audience. The OCC will consider the comments received from bankers and the public in evaluating whether changes to the guidance as articulated in the proposed advisory statement are required.

DATES: Comments must be submitted on or before November 2, 1992.

ADDRESSES: Comments should be directed to the Communications Division, 250 E St. SW., Washington, DC 20219, Attention: Docket No. 92–16. Comments will be available for photocopying and public inspection at the same location.

FOR FURTHER INFORMATION CONTACT: Margaret Hesse, Attorney, (202) 874–5300, Cindy Hausch, Bank Organization and Structure (202) 874–5060, or Letty Ann Shapiro, Customer and Industry Affairs (202) 874–4930.

SUPPLEMENTARY INFORMATION

Background Information

Section 228 of the Federal Deposit Insurance Corporation Improvement Act of 1991 added a new section 39 (codified at 12 U.S.C. 1831p) to the Federal Deposit Insurance Act (FDI Act). This provision took effect immediately upon enactment on December 19, 1991. The law requires an insured depository institution, which would include a national bank or an insured Federal branch, to give 90 days written notice of a branch closing to its Federal regulator and to branch customers, to post notice at the branch site at least 30 days prior to closing, and to develop a policy with respect to branch closings. The notice to the regulator must include a detailed statement of the reasons for the decision to close the branch and information in support of those reasons.

Because the requirements of 12 U.S.C. 1831p apply to all FDIC-insured depository institutions, and in order to provide a uniform and consistent

approach, the Federal banking agencies (Federal Deposit Insurance Corporation (FDIC), Board of Governors of Federal Reserve System, Office of Thrift Supervision, and OCC) have developed positions substantially similar to those discussed in this proposed advisory statement. At the same time, however, each agency also has existing rules, regulations and policies that are impacted by 12 U.S.C. 1931p; consequently, there may be some procedural differences between the agencies' policies.

The OCC has developed a proposed advisory statement to inform banks and the public about its proposed guidance with respect to the enforcement of 12 U.S.C. 1831p and to request comments prior to finalizing such guidance. The full text of the proposed advisory statement is set out at the end of this notice.

Issues for Specific Comment

The OCC seeks comments on all aspects of its proposed guidance. In addition, the OCC invites comments on the following specific issues:

1. Definition of "Branch"

The law applies to all branch closings. The proposed policy defines "branch," for the purposes of this section, to include any domestic facility established by a national bank, other than its main office, which has been licensed as a branch by the OCC, where deposits are received, checks are paid, or money is lent, and to include insured Federal branches. In addition to traditional brick and mortar branches, the OCC believes that the law applies to closings of other types of domestic facilities that constitute branches. Consequently, the law applies to facilities such as customer-bank communication terminals (CBCTs), drive-in facilities, and mobile branches established by national banks. The branch definition is based on the definition of "domestic branch" in the FDI Act and the definition of "branch" in the McFadden Act (12 U.S.C. 36(f)).

2. Branch Relocations

Under the plain language of the statutory provision, the new law does not apply to branch relocations. In fact, unlike branch closings, Congress has required that the OCC approve branch relocations. See 12 U.S.C. 36(e).

Furthermore, the OCC has in place regulatory provisions governing branch relocations. A national bank seeking to relocate a branch must file an application with the OCC for approval. 12 CFR 5.40(e), 5.41. In addition, the bank must publish notice in a newspaper of general circulation in the community in which the applicant proposes to engage in business. 12 CFR 5.8. A public file consisting of nonconfidential materials regarding the application will be established by the OCC and made available to interested persons. Any person may submit written comments to the agency and make a written request for a hearing. 12 CFR 5.9, 5.10.

Thus, the OCC monitors branch relocations through an approval process and provides for notice, opportunity to comment, and the opportunity to request a hearing. It is unlikely, given the explicit reference to branch closings, that Congress intended to further regulate a national bank's ability to relocate branches.

For these reasons, the OCC has determined that a national bank that proposes to relocate a branch need not comply with the requirements of 12 U.S.C. 1831p. The bank, however, must comply with the OCC's branch relocation requirements.

3. Operation of Branches Following Government-Assisted Failed Institution Acquisitions; Expedited Transitions

The OCC believes that 12 U.S.C. 1831p applies to branch closings initiated by an institution, rather than the government. In addition, the OCC is concerned about the adverse consequences that could result from application of the notice requirements to branches acquired from the FDIC or Resolution Trust Corporation (RTC). In a typical situation, when an acquiror assumes some or all of the assets and liabilities of an institution placed into conservatorship or receivership, it operates one or more of the branches of the failed institution temporarily until it decides, during its option period (generally 90–180 days), whether to purchase or lease the branch or transfer it back to the FDIC or RTC.

The OCC is concerned that the flexibility necessary for government-assisted acquisitions would be lessened rather than enhanced if a flat 90-day advance notice requirement were applicable to these situations. For example, if an acquiror initially is uncertain as to whether the branch should remain open, and if the acquiror is required to operate the branch for 90 days from the time it decides to close the branch, then the acquiror may decide instead to close the branch immediately, rather than to operate it on an interim basis. In addition, if an acquiror decided to operate a branch on an interim basis, but had to do so for at least 90 days after deciding to close it, then the acquiror is likely to lower its bid for the institution to compensate it for the cost of keeping the branch open. This action would increase the cost of the assisted transaction to the FDIC or RTC and, ultimately, the public.

In consideration of these adverse consequences, the OCC is proposing that the 90-day notice requirement not apply when an acquiror national bank operates unwanted branches of a failed institution on an interim basis, so long as the branches are closed prior to expiration of the acquiror's branch acquisition option period. If a national bank were to exercise its branch acquisition option and acquire such a branch, the bank would be required to comply with the statutory notice requirements if it later decided to close the branch. The above policy will help ensure that an acquiring national bank will be more apt to accommodate the customers and community of a failed institution, at least temporarily.

Pending final adoption of the proposed guidance, a national bank making FDIC- or RTC-assisted acquisitions and operating acquired branches on an interim basis should make its best effort to give the notices contemplated by 12 U.S.C. 1831p when it decides not to acquire a branch during its branch acquisition option period. Thus, a bank in such circumstances should provide a written notice and statement of reasons to the OCC and should mail and post notices to customers as expeditiously as is reasonable prior to transferring such facilities back to the FDIC or RTC in accordance with the terms of its agreement with either of those agencies. This position is similar to that taken by the FDIC in Financial Institutions Letter No. 30–92 (April 10, 1992).

In addition, the proposed guidance indicates that the notice requirements of 12 U.S.C. 1831p apply to expedited acquisitions of failing insured depository institutions, either FDIC-assisted (under 12 U.S.C. 1823(c)) or unassisted (under the Bank Merger Act (12 U.S.C. 1828(c)(4)). The OCC requests that interested parties comment about the effects such requirements will have on expedited transactions.

4 Identifying Customers of the Branch

The proposed advisory statement permits each national bank to determine which of its patrons will be identified as customers of a particular branch. The proposed guidance requires a good faith determination using a reasonable method developed by the bank. One reasonable method that a national bank could use is to allocate a customer to a branch based on where the customer

opened his or her deposit or loan account.

Proposed Advisory Statement

Purpose

This advisory statement provides guidance to all national banks and insured Federal branches (hereafter collectively referred to as "national banks") with respect to the new statutory requirements that each bank provide prior notice of branch closings and establish internal policies for branch closings.

Background

The Federal Deposit Insurance Corporation Improvement Act of 1991 (FDICIA) was enacted on December 19, 1991. Section 228 of the FDICIA adds a new section 39 (codified at 12 U.S.C. 1831p) to the Federal Deposit Insurance Act (FDI Act). The new provision imposes notice requirements on insured depository institutions that propose branch closings. The provision became effective on December 19, 1991. An "insured depository institution" includes any bank or savings association, as defined in section 3 of the FDI Act, the deposits of which are insured by the Federal Deposit Insurance Corporation (FDIC). The term includes national banks and insured Federal branches.

(Section 132 of the FDICIA is also incorporated in the new section 39 of the FDI Act. To avoid confusion, this advisory statement will refer to 12 U.S.C. 1831p rather than section 39 of the FDI Act.)

The law requires an insured depository institution to submit notice of any proposed branch closing to the appropriate Federal banking agency not later than 90 days prior to the date of the proposed branch closing. The required notice must include a detailed statement of the reasons for the decision to close the branch and statistical or other information in support of such reasons.

The law also requires an insured depository institution to notify its customers of the proposed closing. The bank must mail the notice to the customers of the branch at least 90 days prior to the proposed closing. The bank also must post a notice to customers in a conspicuous manner on the premises of the branch at least 30 days prior to the proposed closing.

Additionally, the law requires each insured depository institution to adopt policies regarding closings of branches of the institution.

As the Federal banking agency that supervises national banks, the OCC is charged with administering 12 U.S.C. 1831p for those institutions.

Applicability

Under section 3 of the FDI Act (12 U.S.C. 1813), a "branch" is defined as any domestic facility of an insured depository institution, other than its main office, where deposits are received, checks are paid, or money is lent. Thus, in addition to a traditional brick and mortar branch, 12 U.S.C. 1831p applies to the closing of an insured Federal branch, as defined by the FDI act, and any other type of branch established by a national bank and licensed by the OCC under the McFadden Act (12 U.S.C. 36) as a branch of such national bank, including a customer-bank communication terminal (CBCT), drive-in facility, or mobile branch.

A national bank must file a branch closing notice for a branch closing occurring in the context of a merger, consolidation or other form of acquisition, whether or not such transaction is subject to expedited approval under the Bank Merger Act (12 U.S.C. 1828(c)(4)). The parties to such a transaction is subject to expedited approval under the Bank Merger Act (12 U.S.C. 1828(c)(4)). The parties to such a transaction should determine which party will give the notice. Thus, for example, the purchaser may give the notice prior to consummation of the transaction where the purchaser intends to close a branch following consummation, or the seller may give the notice because it intends to close a branch at or prior to consummation. In the latter example, if the transaction were to close ahead of schedule, the purchaser, if authorized by the OCC, could operate the branch to complete compliance with the 90-day requirement without the need for an additional notice.

The law does not apply to a temporary interruption of service caused by an Act of God (e.g., fire, earthquake), as the national bank would not have closed the branch. The law does apply, however, if the national bank decided to close or not reopen the branch following the incident. Although prior notice would not be possible in such a case, the bank should mail and, if practicable, post the required notices to customers and the OCC as soon as possible after the decision to close the branch has been made.

The law does not apply where a branch undergoes a change in name, location, or services but continues to meet the definition of branch. Thus, the law does not not apply to:

- Mergers, consolidations, or other acquisitions, including branch sales, that will not result in any branch closings;
- A change of services at a branch so long as the remaining facility constitutes a branch, such as where loan services are removed from a branch that will continue to offer deposit services, or if a traditional brick and mortar branch is converted to a CBCT;
- A branch relocation, which is subject to its own statutory and regulatory requirements (12 U.S.C. 36(e); 12 CFR 5.40(e), 5.41), including public notice.

In addition, 12 U.S.C. 1831p does not apply when a branch ceases operation but is not closed by a national bank. Thus, the law does not apply to:

- Transferring back to the Federal Deposit Insurance Corporation or Resolution Trust Corporation, pursuant to the terms of an acquisition agreement and prior to the expiration of the buyer's branch acquisition period, a branch of a failed bank or savings association operated on an interim basis in connection with the acquisition of all or part of the failed institution.

Notice of Branch Closing to the OCC

The law requires insured depository institutions to submit notice of any proposed branch closing to the appropriate Federal banking agency no later than 90 days prior to the date of the proposed branch closing. The law requires that the notice to the OCC include the following:

- Identification of the branch to be closed;
- The proposed date of closing;
- A detailed statement of the reasons for the decision to close the branch; and
- Statistical or other information in support of such reasons consistent with the institution's written policy for branch closings.

If a national bank believes certain information included in the required notice is confidential in nature, the bank should prepare such information separately and request confidential treatment. The OCC will decide whether to treat such information confidentially under the Freedom of Information Act (5 U.S.C. 552).

Notice of Branch Closing to Customers

The law requires an insured depository institution that proposes to close a branch to provide notice of the proposed closing to the customers of the branch. A customer of a branch is a patron of a national bank who has been identified with a particular branch by such institution through use, in good faith, of a reasonable method for

allocating customers to specific branches. A national bank that allocates customers to its branches based on where a customer opened his or her deposit or loan account will be presumed to have reasonably identified each customer of a branch for purposes of compliance with 12 U.S.C. 1831p. A national bank need not change its recordkeeping system in order to make a reasonable determination of who is a customer of a branch. If a national bank cannot reasonably identify customers of a particular branch using its current recordkeeping system, it may satisfy the requirements of 12 U.S.C. 1831p by notifying all of its deposit and loan customers.

Under 12 U.S.C. 1831p, a bank proposing to close a branch must include a customer notice at least 90 days in advance of the proposed closing in at least one of the regular account statements mailed to customers, or in a separate mailing. If the branch closing occurs after the proposed date of closing, no additional notice is required to be mailed to customers if the national bank acted in good faith in projecting the date for closing and in subsequently delaying the closing.

To satisfy the mailed customer notice requirement of the law, the mailed notice should include the location of the branch to be closed, the proposed date of closing, and either identifying where customers may obtain service following the closing or provide a telephone number for customers to call to determine such alternative sites.

Under the law, a bank also must post notice to branch customers in a conspicuous manner on the branch premises at least 30 days prior to the proposed closing. This notice should state the proposed date of closing and identify where customers may obtain service following that date or provide a telephone number for customers to call to determine such alternative sites. A bank may revise the notice to extend the projected date of closing without triggering a new 30-day notice period.

In some situations, a national bank, in its discretion and to expedite transactions, may mail and post notices to customers of proposed branch closings that are contingent upon an event. For example, in the case of a proposed merger or acquisition, a national bank may notify customers of its intent to close a branch upon approval by the appropriate Federal banking agency of the proposed merger or acquisition.

For purposes of examinations, a national bank must be able to demonstrate compliance with the law.

Policies for Branch Closings

The law requires all insured depository institutions to adopt policies for branch closings. Each national bank with one or more branches must adopt such a policy. If a bank currently has no branches, it must adopt a policy for branch closings before it establishes its first branch. The policy should be in writing and meet the size and the needs of the national bank.

Closing a branch may have adverse effects on the community and its residents, particularly low- and moderate-income neighborhoods. A branch closing also may affect local economic development and inconvenience businesses and residents, particularly those residents with limited mobility.

Each branch closing policy adopted pursuant to 12 U.S.C. 1831p should include procedures for determining objectively which branch to close and which customers to notify, and methods for providing the notices required by the statute. A national bank may wish to consider including in its written policy factors such as:

- Profits generated by the bank's branch system and the profitability of each branch;
- Actions that have been taken to attempt to return a branch to viability—for example, adjusting hours, changing services, upgrading facilities, and increasing automation;
- The presence in each branch's neighborhood of other financial institutions, and their accessibility and services;
- Actions to advise the community of a planned branch closing—for example, advance meetings with key neighborhood and political leaders;
- Actions to minimize the impact of a branch closing on the neighborhood—for example, providing special services, check cashing, and night deposits, and providing additional services at other sites;
- A review and approval procedure for arriving at a closing decision, including the standards (e.g., profit and loss, number of customers, amount of deposit or loan accounts) used to make the decision, and appropriate follow-up actions to be taken; and
- Any other considerations the bank may wish to include.

Compliance

The OCC will examine institutions for compliance with 12 U.S.C. 1831p to determine whether a national bank has adopted a branch closing policy and whether the bank provided required notices when it closed a branch. If a national bank fails to comply with 12 U.S.C. 1831p, the OCC may make adverse findings in its Community Reinvestment Act (CRA) evaluation or take other appropriate enforcement action, including the imposition of civil money penalties where statutory requirements are not satisfied.

During the CRA portion of an examination, the OCC assesses a bank's record of helping to meet the credit needs of its community. Factors the OCC considers in making its assessment include the institution's record of opening and closing offices and providing services at such offices. The reasons for closing a branch and the statistical or other information included in a branch closing notice submitted to the OCC will be reviewed under these factors in the CRA examination.

For more information regarding branch closing requirements, contact the Office of the Comptroller of the Currency, Bank Organization and Structure, (202) 874–5060, or Corporate Organization and Resolutions Division, (202) 874–5300. The mailing address is Office of the Comptroller of the Currency, 250 E St. SW, Washington, DC 20219.

End of Proposed Advisory Statement Text

Dated: August 11, 1992.

Stephen R. Steinbrink,

Acting Comptroller of the Currency.

[FR Doc. 92–21082 Filed 9–1–92; 8:45 am]

BILLING CODE 4810–33–M

Office of Thrift Supervision

[AC–52; OTS No. 3276]

First Federal Savings and Loan of Rockford, Rockford, IL; Approval of Conversion Application

Notice is hereby given that on August 13, 1992, the Deputy Director for Washington Operations, Office of Thrift Supervision, or his designee, acting pursuant to delegated authority, approved the application of First Federal Savings and Loan Association of Rockford, Rockford, Illinois for permission to convert to the stock form of organization. Copies of the application are available for inspection at the Information Services Division, Office of Thrift Supervision, 1776 G Street, NW., Washington, DC 20552, and the Central Regional Office, Office of Thrift Supervision, 111 East Wacker Drive, Suite 800, Chicago, Illinois 60601–4360.

Dated: August 27, 1992.

By the Office of Thrift Supervision.

Nadine Y. Washington,

Corporate Secretary.

[FR Doc. 92-21047 Filed 9-1-92; 8:45 am]

BILLING CODE 6720-01-M

NATIONAL SCIENCE FOUNDATION

National Science Board Commission on the Future of the National Science Foundation; Notice of Open Meetings

In accordance with the Federal Advisory Committee Act (Pub. L. 92-463, as amended), the National Science Foundation announces the following meetings.

Dates and time: September 17, October 16, and November 7, 1992; 8:30 a.m. to 5 p.m.

Type of meetings: Open.

Place: Room 540, NSF 1800 G St., NW., Washington, DC.

Purpose of meetings: To initiate an examination of how NSF can best meet the nation's challenges in research and education today and for the 21st Century.

Agenda: These meetings will focus on a broad range of questions implied by the purpose of the Commission. Written public comments are solicited on two questions:

1. National Science Foundation support plays an important role in the health of the nation's academic system, which is the source of new ideas and human resources in science and engineering. How can NSF maintain and enhance the health of this vital national resource?

2. In light of the many changes in both science and world affairs (such as the increasing inseparability of science and technology, the rise of the global economy, and the end of the cold war), should NSF build on its traditional mission by pursuing a broader array of research and education objectives and doing more to link academia and industry? If so, what strategies could the agency adopt to move in this direction?

Contact person: Persons wishing to file written comments should mail or fax the comments by October 15, 1992, to the NSB Commission on the Future of NSF, Room 546, National Science Foundation, 1800 G St. Washington, DC 20550. FAX # 202-357-7346. E-mail: NSBCOMM@NSF.GOV (Internet) or NSBCOMM@NSF (Bitnet). Dr. Charles Brownstein, Director, NSF Office of Planning and Assessment, is Executive Secretary of the NSB Commission.

Persons requiring more information about the Commission should contact the Office of Legislative and Public Affairs, Room 527, National Science Foundation. Telephone: (202) 357-9838. FAX # 202-357-9869. E-mail: NSBCOMM@NSFGOV (Internet) or NSBCOMM@NSF (Bitnet).

Dated: August 27, 1992.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 92-21075 Filed 9-1-92; 8:45 am]

BILLING CODE 7555-01-M

Sunshine Act Meetings

Federal Register
Vol. 57, No. 171
Wednesday, September 2, 1992

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice of Matters To Be Withdrawn From Consideration at an Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that the following matters will be withdrawn from the agenda for consideration at the open meeting of the Board of Directors of the Federal Deposit Insurance Corporation scheduled to be held at 10:00 a.m. on Tuesday, September 1, 1992, in the Board Room on the sixth floor of the FDIC Building located at 550—17th Street, NW., Washington, DC:

Memorandum and resolution re: Final amendments to Part 327 of the Corporation's rules and regulations, entitled "Assessments," which amendments increase the assessment to be paid by Savings Association Insurance Fund members.

Memorandum and resolution re: Final amendments to Part 327 of the Corporation's rules and regulations, entitled "Assessments," which amendments increase the assessment to be paid by Bank Insurance Fund members.

Memorandum re: Bank Insurance Fund Recapitalization Schedule.

Memorandum and resolution re: Final regulation establishing a transitional risk-based assessment.

Requests for further information concerning the meeting may be directed to Mr. Robert E. Feldman, Deputy Executive Secretary of the Corporation, at (202) 898–6757.

Dated: August 28, 1992.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Deputy Executive Secretary.

[FR Doc. 92–21193 Filed 8–28–92; 4:46 pm]

BILLING CODE 6714–0–M

FEDERAL RESERVE SYSTEM BOARD OF GOVERNORS

TIME AND DATE: 11:00 a.m., Tuesday, September 8, 1992.

PLACE: Marriner S. Eccles Federal Reserve Board Building, C Street entrance between 20th and 21st Streets, NW., Washington, DC 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Proposed changes to the Federal Reserve Board employee health plan.
2. Federal Reserve Bank and Branch director appointments.
3. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
4. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452–3204. You may call (202) 452–3207, beginning at approximately 5 p.m. two business days before this meeting, for a recorded announcement of bank and bank holding company applications scheduled for the meeting.

Dated: August 31, 1992.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 92–21314 Filed 8–31–92; 3:56 pm]

BILLING CODE 6210–01–M

NATIONAL CREDIT UNION ADMINISTRATION

Notice of Meetings

TIME AND DATE: 9:30 a.m., Wednesday, September 9, 1992.

PLACE: Filene Board Room, 7th Floor, 1776 G Street, NW., Washington, DC 20456.

STATUS: Open.

BOARD BRIEFINGS:

1. Central Liquidity Facility Report and Report on CLF Lending Rate.
2. Insurance Fund Report.

MATTERS TO BE CONSIDERED:

1. Approval of Minutes of Previous Open Meeting.
2. Central Liquidity Facility Agent Commitment Fee.
3. Central Liquidity Facility Reserving Policy.
4. Proposed Rule: Amendment to Section 791.18(c), NCUA's Rules and Regulations, Sunshine Act.
5. Final Rule: Amendment to Section 701.21(h), NCUA's Rules and Regulations, Member Business Loans.

RECESS: 10:45 a.m.

TIME AND DATE: 11:00 a.m., Wednesday, September 9, 1992.

PLACE: Filene Board Room, 7th Floor, 1776 G Street, NW., Washington, DC 20456.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Approval of Minutes of Previous Closed Meeting.
2. Administrative Actions under Section 206 of the Federal Credit Union Act. Closed pursuant to exemptions (8), (9)(A)(ii), and (9)(B).
3. Regional Staffing Allocations. Closed pursuant to exemption (2).
4. Personnel Actions. Closed pursuant to exemptions (2) and (6).

FOR MORE INFORMATION CONTACT: Becky Baker, Secretary of the Board, Telephone (202) 682–9600.

Becky Baker,

Secretary of the Board.

[FR Doc. 92–21275 Filed 8–31–92; 2:56 pm]

BILLING CODE 7535–01–M

NATIONAL WOMEN'S BUSINESS COUNCIL (NWBC)

Notice of Access to Capital Symposium

SUMMARY: In accordance with the Women's Business Ownership Act, Public Law 100–533 as amended, the National Women's Business Council announces a forthcoming Symposium and Official Council Meeting. The Symposium will include two panel discussions, a series of expert roundtables focusing on access to capital for women business owners and a hearing. The Official Council Meeting will focus on a strategic plan for the next 12 months.

DATE AND PLACE:

September 10, 1992, 9:00-5:00 pm (Roundtable Discussion), Federal Reserve-Martin Building, 20th & C Streets, NW.

September 11, 1992, 9:00 am-12:00 pm (Testimony), Small Business Administration (SBA), Eisenhower Conference Room-8th Floor, 409 3rd Street, SW.

September 11, 1992, 1:00 pm-4:00 pm (Official Council Meeting), Administrator's Conference Room-7th Floor, 409 3rd Street, SW.

STATUS: All meetings are open to the public.

CONTACT: Wilma Goldstein, Executive Director or Paula Breitweiser, Legislative Analyst, National Women's Business Council, 409 3rd Street, SW., #7425, Washington DC, 20024, (202) 205–3850.

Wilma Goldstein,

Executive Director, National Women's Business Council.

[FR Doc. 92–21233 Filed 8–31–92; 11:27 am]

BILLING CODE 6820–AB–M

Corrections

Federal Register
Vol. 57, No. 171
Wednesday, September 2, 1992

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 672

[Docket No. 911176-2018]

Groundfish of the Gulf of Alaska

Correction

In rule document 92-17237 appearing on page 32453 in the issue of Wednesday, July 22, 1992, the file line at the end of the document was incorrect. It should appear as set forth below:

[FR Doc. 92-17237 Filed 7-17-92; 12:25 pm]

BILLING CODE 1505-01-D

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 683

[Docket No. 920530-2192]

Western Pacific Bottomfish and Seamount Groundfish Fisheries

Correction

In rule document 92-19528 beginning on page 36907 in the issue of Monday, August 17, 1992, make the following corrections:

1. On page 36907, in the third column, under **SUPPLEMENTARY INFORMATION**, in the eighth line from the top of the page, after "beyond" insert "the", and in the tenth line from the top of the page, after "alone" insert "would".

BILLING CODE 1505-01-D

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 131

[Docket No. 91P-0090/CP]

Evaporated Milk; Proposed Amendment of the Standard of Identity

Correction

In proposed rule document 92-17182 beginning on page 32470 in the issue of Wednesday, July 22, 1992, on page 32471, in the first full paragraph, in the first line, "ADPT" should read "ADPI".

BILLING CODE 1505-01-D

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 145

[T.D. 92-80]

Importation of Lottery Material From Canada

Correction

In rule document 92-19830 appearing on page 37702 in the issue of Thursday, August 20, 1992, in the first column, under **EFFECTIVE DATE**, "1992" should read "1993".

BILLING CODE 1505-01-D

federal register

Wednesday
September 2, 1992

Part II

Department of Health and Human Services

Public Health Service

Specific List for Categorization of Laboratory Test Systems, Assays and Examinations by Complexity; Notice

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Public Health Service

Specific List for Categorization of Laboratory Test Systems, Assays and Examinations by Complexity

AGENCY: Public Health Service, HHS.

ACTION: Notice with comment period.

SUMMARY: The Clinical Laboratory Improvement Amendments of 1988, Public Law 100–578, requires that the Secretary provide for the categorization of specific laboratory test systems, assays and examinations by level of complexity. 42 CFR 493.17, published in the **Federal Register** on February 28, 1992, established criteria for such categorization.

It is the Department's intention to complete the categorization of all currently available clinical laboratory test systems, assays and examinations prior to the effective date of 42 CFR part 493. This notice announces the fourth of a series of lists containing specific clinical laboratory test systems, assays and examinations, categorized by complexity. This notice also includes deletions and corrections to the list of test systems, assays and examinations published on February 28, 1992. After publication and close of comment period on the published partial lists, a complete list of all laboratory test systems, assays and examinations, categorized by complexity, and responses to public comments received on the partial lists will be published in the form of a compilation of these Notices. Any clinical laboratory test system, assay or examination that is not on the compilation will be considered high complexity, until categorized otherwise as provided under 42 CFR 493.17.

After publication of the compilation, applications will be taken to categorize (or recategorize) other laboratory test systems, assays and examinations following the procedures delineated in 42 CFR 493.17(d). After the effective date of 42 CFR part 493, notices will be published periodically in the **Federal Register** to announce any additional test system, assay or examination that has been categorized (or re-categorized) during the preceding interval.

DATES: *Effective date:* This list is effective September 1, 1992.

Comment date: Written comments on this list of tests will be considered if they are received at the address indicated below, no later than 5 p.m. on October 2, 1992.

ADDRESSES: Comments on the content of this Notice—only—should be addressed to: Public Health Service, Attention: CLIA **Federal Register** Notice, 1600 Clifton Rd. NE, (Mail Stop MLR5), Atlanta GA 30333.

Due to staffing and resource limitations, we cannot accept facsimile (FAX) copies of comments. Nor can we accept comments by telephone.

FOR FURTHER INFORMATION CONTACT: Miley A. Robinson, (404) 639–1701.

SUPPLEMENTARY INFORMATION: As described in 42 CFR 493.17, seven criteria were used to classify laboratory test systems, assays or examinations as moderate or high complexity using a grading scheme for level of complexity that assigned scores of 1, 2 or 3 for each of the seven criteria. Test systems, assays or examinations receiving total scores of 12 or less were categorized as moderate complexity, while those receiving total scores of 13 through 21 were categorized as high complexity. As provided under 42 CFR 493.17, the following laboratory test systems, assays and examinations have been categorized as moderate or high complexity as noted.

Dated: August 26, 1992.

James O. Mason,

Assistant Secretary for Health.

Additions to the Specific List for Categorization of Laboratory Test Systems, Assays and Examinations by Complexity Published as a Notice in the Federal Register on February 28, 1992

Complexity: Moderate
Speciality/Subspeciality: Bacteriology

Analyte: Aerobic &/or Anaerobic Organisms-Unlimited Sources

Category: Automated procedures that do not require operator intervention during the analytic process
Test System, Assay or Examination:
Becton Dickinson BACTEC 9240
Becton Dickinson BACTEC NR–660
Becton Dickinson BACTEC NR–860
Organon Teknika BacT/Alert
Vitek Systems Bac-T-Screen 2000 (bacteruria)
Vitek Systems Bac-T-Screen 402A (bacteruria)
Vitek Systems Bac-T-Screen 500 (bacteruria)
Category: Manual or semi-automated procedures with limited steps and with limited sample or reagent preparation
Test System, Assay or Examination:
Becton Dickinson BACTEC NR–730
Category: Microscopic evaluations of direct specimens in microbiology or parasitology
Test System, Assay or Examination:
All Direct Wet Mount Preparations

Analyte: Aerobic Organisms From Urine Specimens Only

Category: Manual or semi-automated procedures with limited steps and with limited sample or reagent preparation
Test System, Assay or Examination:
Adams Scientific Selecticult-U (colony count only)
BioClinical Systems Bullseye Urine Plate(colony count only)
BioClinical Systems Urine Screen (colony count only)
Culture Kits, Inc. Uri-Three (colony count only)
Future Medical Tech. Intl. Qualture (colony count only)
Meridian Diagnostics FiltraCheck UTI (bacteruria)
Miles Diagnostic Labs MicroStix-3 ID (colony count only)
SmithKline Isocult Cult. Test-Bacteriuria (colony ct only)
Troy Biologicals Bacti-Star II Urine Sys.(colony cnt. only)
Troy Biologicals Bacti-Star Urine Plate (colony count only)
Troy Biologicals Bacti-Urine Plate (colony count only)
Troy Biologicals Uri-Check Plus (colony count only)
Troy Biologicals Uricheck (colony count only)
UTI-tect Bacteriuria Diag. Test System (colony count only)
Unipath Oxoid Dip-Slide (colony count only)
Wampole Bacturcult (colony count only)

Analyte: Aerobic/Anaerobic Organisms—Urethral

Category: Microscopic evaluation and/or enumeration of cells, formed elements, or microorganisms in stained preparations
Test System, Assay or Examination:
All Gram Stain Procedures—Urethral Only

Analyte: Haemophilus Influenzae, Type B

Category: Manual or semi-automated procedures with limited steps and with limited sample or reagent preparation
Test System, Assay or Examination:
Wampole Bactigen Meningitis Panel (direct antigen/visual)

Analyte: Neisseria Gonorrhoeae

Category: Manual or semi-automated procedures with limited steps and with limited sample or reagent preparation
Test System, Assay or Examination:
SmithKline Diagnostics Isocult Combination Culture Test

SmithKline Isocult Diagnostic Culturing System

Analyte: Neisseria Meningitidis, Group A

Category: Manual or semi-automated procedures with limited steps and with limited sample or reagent preparation
Test System, Assay or Examination:
Becton Dickinson Drtgen Meningitis Combo Kit (dirAg/visual)
Becton Dickinson Drtgen Meningitis Individ.Kit (dirAg/vis)

Analyte: Neisseria Meningitidis, Group B and E. Coli K1

Category: Manual or semi-automated procedures with limited steps and with limited sample or reagent preparation
Test System, Assay or Examination:
Becton Dickinson Drtgen Meningitis Individ.Kit (dirAg/vis)

Analyte: Staphylococcus

Category: Manual or semi-automated procedures with limited steps and with limited sample or reagent preparation
Test System, Assay or Examination:
Culture Kits, Inc. Staph-Kit
SmithKline Isocult Diagnostic Culturing System

Analyte: Streptococcus, Group A

Category: Manual or semi-automated procedures with limited steps and with limited sample or reagent preparation
Test System, Assay or Examination:
Access Medical Systems ImmunoCLONE
Baxter MicroScan Cards O.S. (direct antigen/visual)
BioStar Strep A OIA (direct antigen/visual)
Ciba Corning Biotrack Strep A (direct antigen/visual)
Disease Detection International ImmunoCLONE (dir.Ag/visual)
Meridian Diagnostics Immunocard (direct antigen/visual)
Quidel Group A Strep Test (direct antigen/visual)
SmithKline Isocult Diag. Culturing System (hemolysis only)

Analyte: Streptococcus, Group B

Category: Manual or semi-automated procedures with limited steps and with limited sample or reagent preparation
Test System, Assay or Examination:
Becton Dickinson Drtgen Meningitis Individ.Kit (dirAg/vis)
Karobio Phadebact CSF (direct antigen/visual)
Quidel Group B Strep Test (direct antigen/visual)
Wampole Bactigen Group B Strep-CS (including broth culture)

Analyte: Treponema Pallidum

Category: Microscopic evaluations of direct specimens in microbiology or parasitology
Test System, Assay or Examination:
All Darkfield Examinations
Speciality/Subspeciality: General Chemistry

Analyte: Acid Phosphatase

Category: Automated procedures that do not require operator intervention during the analytic process
Test System, Assay or Examination:
Du Pont Dimension ES
Kodak Ektachem 250
Roche Cobas FARA
Roche Cobas FARA II
Roche Cobas Mira
Roche Cobas Mira Plus
Roche Cobas Mira S
Category: Manual or semi-automated procedures with limited steps and with limited sample or reagent preparation
Test System, Assay or Examination:
DataChem DC–100

Analyte: Alanine Aminotransferase (ALT) (SGPT)

Category: Automated procedures that do not require operator intervention during the analytic process
Test System, Assay or Examination:
Du Pont Dimension ES
EM Diagnostic Systems EASY PLUS
EM Diagnostic Systems EASY ST
EM Diagnostic Systems EPOS
Instrumentation Laboratory IL Genesis 21
Kodak Ektachem 250
Kodak Ektachem 700 P
Olympus AU 5121
Olympus AU 5131
Roche Cobas Bio
Roche Cobas Mira Plus
Technicon RA 100
Category: Manual or semi-automated procedures with limited steps and with limited sample or reagent preparation
Test System, Assay or Examination:
DataChem DC–100
Sclavo Uni-Fast System Analyzer
Sclavo Uni-Fast2 System Analyzer

Analyte: Albumin

Category: Automated procedures that do not require operator intervention during the analytic process
Test System, Assay or Examination:
Behring Nephelometer
Behring Nephelometer 100
Du Pont Dimension ES
EM Diagnostic Systems EASY PLUS
EM Diagnostic Systems EASY ST
EM Diagnostic Systems EPOS
Instrumentation Laboratory IL Genesis 21
Kodak Ektachem 250
Kodak Ektachem 700 P
Olympus AU 5131
Roche Cobas Bio
Roche Cobas Mira Plus
Roche Cobas Ready
Sanofi/Kallestad QH 300
Technicon DPA–1
Technicon RA 100
Category: Manual or semi-automated procedures with limited steps and with limited sample or reagent preparation
Test System, Assay or Examination:
Behring Turbitime
DataChem DC–100
Sclavo Uni-Fast System Analyzer
Sclavo Uni-Fast2 System Analyzer

Analyte: Alkaline Phosphatase (ALP)

Category: Automated procedures that do not require operator intervention during the analytic process
Test System, Assay or Examination:
Du Pont Dimension ES
EM Diagnostic Systems EPOS
Instrumentation Laboratory IL Genesis 21
Kodak Ektachem
250 Kodak Ektachem 700 P
Roche Cobas Bio
Roche Cobas Mira Plus
Roche Cobas Ready
Technicon RA 100
Category: Manual or semi-automated procedures with limited steps and with limited sample or reagent preparation
Test System, Assay or Examination:
DataChem DC–100
Sclavo Uni-Fast System Analyzer
Sclavo Uni-Fast2 System Analyzer

Analyte: Alpha-Fetoprotein—Tumor Marker

Category: Automated procedures that do not require operator intervention during the analytic process
Test System, Assay or Examination:
TOSOH A1A–1200
TOSOH A1A–600

Analyte: Alpha-Hydroxybutyrate Dehydrogenase (HBDH)

Category: Automated procedures that do not require operator intervention during the analytic process
Test System, Assay or Examination:
Coulter Dacos
Roche Cobas Bio

Analyte: Ammonia

Category: Automated procedures that do not require operator intervention during the analytic process
Test System, Assay or Examination:
Du Pont Dimension ES
EM Diagnostic Systems EASY PLUS
EM Diagnostic Systems EASY ST
Kodak Ektachem 250
Kodak Ektachem 700 P
Roche Cobas FARA
Roche Cobas FARA II
Roche Cobas Mira
Roche Cobas Mira S

Analyte: Amylase

Category: Automated procedures that do not require operator intervention during the analytic process
Test System, Assay or Examination:
Du Pont Dimension ES
EM Diagnostic Systems EASY PLUS
EM Diagnostic Systems EASY ST
EM Diagnostic Systems EPOS
Instrumentation Laboratory IL Genesis 21
Kodak Ektachem 250
Kodak Ektachem 700 P
Roche Cobas Bio
Roche Cobas Mira Plus
Roche Cobas Ready
Technicon RA 100
Category: Manual or semi-automated procedures with limited steps and with limited sample or reagent preparation
Test System, Assay or Examination:
DataChem DC–100

Analyte: Apolipoprotein A1

Category: Automated procedures that do not require operator intervention during the analytic process
Test System, Assay or Examination:
Baxter Paramax
Baxter Paramax 720
Baxter Paramax 720 ZX
Behring Nephelometer
Behring Nephelometer 100
Roche Cobas FARA
Roche Cobas FARA II
Roche Cobas Mira
Roche Cobas Mira Plus
Roche Cobas Mira S
Sanofi/Kallestad QH 300
Technicon DPA–1
Category: Manual or semi-automated procedures with limited steps and with limited sample or reagent preparation
Test System, Assay or Examination:
Behring Turbitime
Isolab API Apolipoprotein Analyzer

Analyte: Apolipoprotein B

Category: Automated procedures that do not require operator intervention during the analytic process
Test System, Assay or Examination:
Baxter Paramax
Baxter Paramax 720
Baxter Paramax 720 ZX
Behring Nephelometer
Behring Nephelometer 100
Roche Cobas FARA
Roche Cobas FARA II
Roche Cobas Mira
Roche Cobas Mira Plus
Roche Cobas Mira S
Sanofi/Kallestad QH 300
Technicon DPA–1
Category: Manual or semi-automated procedures with limited steps and with limited sample or reagent preparation
Test System, Assay or Examination:
Behring Turbitime
Isolab API Apolipoprotein Analyzer

Analyte: Asparate Aminotransferase (AST) (SGOT)

Category: Automated procedures that do not require operator intervention during the analytic process
Test System, Assay or Examination:
Du Pont Dimension ES
EM Diagnostic Systems EASY PLUS
EM Diagnostic Systems EASY ST
EM Diagnostic Systems EPOS
Instrumentation Laboratory IL Genesis 21
Kodak Ektachem 250
Kodak Ektachem 700 P
Roche Cobas Mira Plus
Technicon RA 100
Category: Manual or semi-automated procedures with limited steps and with limited sample or reagent preparation
Test System, Assay or Examination:
DataChem DC–100
Sclavo Uni-Fast System Analyzer
Sclavo Uni-Fast2 System Analyzer

Analyte: Beta-Hydroxybutyrate

Category: Automated procedures that do not require operator intervention during the analytic process
Test System, Assay or Examination:
Beckman Synchron CX 4
Beckman Synchron CX 4 CE
Beckman Synchron CX 5
Beckman Synchron CX 7
Boehringer Mannheim Hitachi 704
Boehringer Mannheim Hitachi 705
Boehringer Mannheim Hitachi 717
Ciba Corning 550 Express
Roche Cobas Bio
Roche Cobas FARA
Roche Cobas FARA II
Roche Cobas Mira
Roche Cobas Mira S
Technicon RA 1000
Technicon RA 500

Analyte: Bilirubin, Direct

Category: Automated procedures that do not require operator intervention during the analytic process
Test System, Assay or Examination:
Beckman Astra 8
Beckman Synchron AS–Xi
Beckman Synchron CX 4 CE
Du Pont Dimension ES
EM Diagnostic Systems EASY PLUS
EM Diagnostic Systems EASY ST
EM Diagnostic Systems EPOS
Kodak Ektachem 250
Kodak Ektachem 700 P
Roche Cobas Bio
Roche Cobas Mira Plus
Technicon RA 100

Analyte: Bilirubin, Neonatal

Category: Automated procedures that do not require operator intervention during the analytic process
Test System, Assay or Examination:
Baxter Paramax
Baxter Paramax 720
Baxter Paramax 720 ZX
Kodak Ektachem 250
Kodak Ektachem 700 P
Category: Manual or semi-automated procedures with limited steps and with limited sample or reagent preparation
Test System, Assay or Examination:
Cambridge Instruments Unistat Bilirubinometer
Wako Bilirubin Tester

Analyte: Bilirubin, Total

Category: Automated procedures that do not require operator intervention during the analytic process
Test System, Assay or Examination:
Beckman Astra 8
Beckman Synchron AS–Xi
Beckman Synchron CX 4 CE
Du Pont Dimension ES
EM Diagnostic Systems EASY PLUS
EM Diagnostic Systems EASY ST
EM Diagnostic Systems EPOS
Instrumentation Laboratory IL Genesis 21
Kodak Ektachem 250
Kodak Ektachem 700 P
Roche Cobas Bio
Roche Cobas Mira Plus
Technicon RA 100
Category: Manual or semi-automated procedures with limited steps and with limited sample or reagent preparation
Test System, Assay or Examination:
DataChem DC–100
Sclavo Uni-Fast System Analyzer
Sclavo Uni-Fast2 System Analyzer

Analyte: Blood Gases with pH

Category: Automated procedures that do not require operator intervention during the analytic process
Test System, Assay or Examination:
Ciba Corning 170
Ciba Corning 178

Instrumentation Laboratory BG3
Instrumentation Laboratory IL 1310
Mallinckrodt GEM–STAT

Analyte: Blood pH (No Blood Gases)

Category: Automated procedures that do not require operator intervention during the analytic process
Test System, Assay or Examination:
Corometrics 220 pH System

Analyte: Calcium, Ionized

Category: Automated procedures that do not require operator intervention during the analytic process
Test System, Assay or Examination:
AMDEV Lytening 6 Instant ISE
AMDEV Lytening 6R Instant ISE
Baxter Lytening Systems 32
Mallinckrodt GEM–STAT
Category: Manual or semi-automated procedures with limited steps and with limited sample or reagent preparation
Test System, Assay or Examination:
Pointe Scientific Ionetics Model 330

Analyte: Calcium, Total

Category: Automated procedures that do not require operator intervention during the analytic process
Test System, Assay or Examination:
Beckman Astra 8e
Beckman Synchron CX 4 CE
Beckman Synchron EL–ISE
Du Pont Dimension ES
EM Diagnostic Systems EASY PLUS
EM Diagnostic Systems EASY ST
EM Diagnostic Systems EPOS
Instrumentation Laboratory IL Genesis 21
Kodak Ektachem 250
Kodak Ektachem 700 P
Precision Systems Calcette
Roche Cobas Bio
Roche Cobas Mira Plus
Roche Cobas Ready
Technicon RA 100
Category: Manual or semi-automated procedures with limited steps and with limited sample or reagent preparation
Test System, Assay or Examination:
Sclavo Uni-Fast System Analyzer
Sclavo Uni-Fast2 System Analyzer

Analyte: Carbon Dioxide, Total (CO_2)

Category: Automated procedures that do not require operator intervention during the analytic process
Test System, Assay or Examination:
Du Pont Dimension ES
EM Diagnostic Systems EASY PLUS
EM Diagnostic Systems EASY ST
Instrumentation Laboratory IL Genesis 21
Kodak Ektachem 250
Nova 12 (with CRT)
Nova 4 (with CRT)
Roche Cobas Bio
Roche Cobas Mira Plus

Analyte: Cerebrospinal Fluid Protein (CSF)

Category: Automated procedures that do not require operator intervention during the analytic process
Test System, Assay or Examination:
Baxter Paramax
Baxter Paramax 720
Baxter Paramax 720 ZX
Kodak Ektachem 250

Analyte: Chloride

Category: Automated procedures that do not require operator intervention during the analytic process
Test System, Assay or Examination:
AMDEV Lytening 5 Instant ISE
Baxter Lytening Systems 30
Du Pont Dimension ES
Instrumentation Laboratory IL Genesis 21
Kodak Ektachem 250
Nova 12 (with CRT)
Nova 13 (with CRT)
Nova 14 (with CRT)
Nova 4 (with CRT)
Nova 5 (with CRT)
Radiometer CMT10 Chloride Titrator
Roche Cobas Bio
Roche Cobas Mira Plus.
Technicon RA 100
Category: Manual or semi-automated procedures with limited steps and with limited sample or reagent preparation
Test System, Assay or Examination:
I-STAT i-STAT Portable Clinical Analyzer

Analyte: Cholesterol

Category: Automated procedures that do not require operator intervention during the analytic process
Test System, Assay or Examination:
Cirrus Diagnostics CRP (Cardiac Risk Profiler)
Du Pont Dimension ES
EM Diagnostic Systems EASY PLUS
EM Diagnostic Systems EASY ST
EM Diagnostic Systems EPOS
Instrumentation Laboratory IL Genesis 21
Kodak Ektachem 250
Kodak Ektachem 700 P
Roche Cobas Bio
Roche Cobas Mira Plus
Technicon RA 100
Category: Manual or semi-automated procedures with limited steps and with limited sample or reagent preparation
Test System, Assay or Examination:
Cholestech L.D.X. Lipid Analyzer
DataChem DC–100
Enzymatics Q.E.D. Total Cholesterol Test
Sclavo Uni-Fast System Analyzer
Sclavo Uni-Fast2 System Analyzer

Analyte: Cholinesterase

Category: Automated procedures that do not require operator intervention during the analytic process
Test System, Assay or Examination:
Kodak Ektachem 250
Roche Cobas Mira Plus

Analyte: Cholyglycine

Category: Automated procedures that do not require operator intervention during the analytic process
Test System, Assay or Examination:
Roche Cobas Mira Plus

Analyte: Cortisol

Category: Automated procedures that do not require operator intervention during the analytic process
Test System, Assay or Examination:
EM Diagnostic Systems EPOS
Roche Cobas Bio
Roche Cobas Mira Plus
Technicon Immuno 1 System

Analyte: Creatine Kinase (CK)

Category: Automated procedures that do not require operator intervention during the analytic process
Test System, Assay or Examination:
Beckman Astra 8e
Beckman Synchron AS-Xi
Beckman Synchron CX 4 CE
Du Pont Dimension ES
EM Diagnostic Systems EASY PLUS
EM Diagnostic Systems EASY ST
EM Diagnostic Systems EPOS
Instrumentation Laboratory IL Genesis 21
Kodak Ektachem 250
Kodak Ektachem 700 P
Roche Cobas Bio
Roche Cobas Mira Plus
Technicon RA 100
Category: Manual or semi-automated procedures with limited steps and with limited sample or reagent preparation
Test System, Assay or Examination:
DataChem DC–100
Sclavo Uni-Fast System Analyzer
Sclavo Uni-Fast2 System Analyzer

Analyte: Creatine Kinase MB Fraction (CKMB)

Category: Automated procedures that do not require operator intervention during the analytic process
Test System, Assay or Examination:
Du Pont Dimension ES
EM Diagnostic Systems EASY PLUS
EM Diagnostic Systems EASY ST
EM Diagnostic Systems EPOS
Kodak Ektachem 250
Kodak Ektachem 700 P

Roche Cobas FARA
Roche Cobas FARA II
Roche Cobas Mira
Roche Cobas Mira Plus
Roche Cobas Mira S
TOSOH A1A–1200
TOSOH A1A–600

Category: Manual or semi-automated procedures with limited steps and with limited sample or reagent preparation

Test System, Assay or Examination:
Sclavo Uni-Fast System Analyzer
Sclavo Uni-Fast–2 System Analyzer
V Tech Target CK-MB

Analyte: Creatinine

Category: Automated procedures that do not require operator intervention during the analytic process

Test System, Assay or Examination:
Du Pont Dimension ES
EM Diagnostic Systems EASY PLUS
EM Diagnostic Systems EASY ST
EM Diagnostic Systems EPOS
Instrumentation Laboratory IL 919
Instrumentation Laboratory IL Genesis 21
Kodak Ektachem 250
Kodak Ektachem 700 P
Roche Cobas Bio
Roche Cobas Mira Plus
Technicon RA 100

Category: Manual or semi-automated procedures with limited steps and with limited sample or reagent preparation

Test System, Assay or Examination:
DataChem DC–100
Sclavo Uni-Fast System Analyzer
Sclavo Uni-Fast2 System Analyzer

Analyte: Estriol-Total

Category: Automated procedures that do not require operator intervention during the analytic process

Test System, Assay or Examination:
Roche Cobas Mira Plus

Analyte: Ferritin

Category: Automated procedures that do not require operator intervention during the analytic process

Test System, Assay or Examination:
PB Diagnostic Systems OPUS
TOSOH A1A–1200
TOSOH A1A–600
Technicon Immuno 1 System

Analyte: Follicle Stimulating Hormone (FSH)

Category: Automated procedures that do not require operator intervention during the analytic process

Test System, Assay or Examination:
TOSOH A1A–1200
TOSOH A1A–600
Technicon Immuno 1 System

Analyte: Fructosamine

Category: Automated procedures that do not require operator intervention during the analytic process

Test System, Assay or Examination:
Roche Cobas FARA
Roche Cobas FARA II
Roche Cobas Mira
Roche Cobas Mira Plus
Roche Cobas Mira S

Analyte: Gamma Glutamyl Transferase (GGT)

Category: Automated procedures that do not require operator intervention during the analytic process

Test System, Assay or Examination:
Du Pont Dimension ES
EM Diagnostic Systems EASY PLUS
EM Diagnostic Systems EASY ST
EM Diagnostic Systems EPOS
Kodak Ektachem 250
Kodak Ektachem 700 P
Roche Cobas Bio
Roche Cobas Mira Plus
Technicon RA 100

Category: Manual or semi-automated procedures with limited steps and with limited sample or reagent preparation

Test System, Assay or Examination:
Sclavo Uni-Fast System Analyzer
Sclavo Uni-Fast2 System Analyzer

Analyte: Glucose

Category: Automated procedures that do not require operator intervention during the analytic process

Test System, Assay or Examination:
Du Pont Dimension ES
EM Diagnostic Systems EASY PLUS
EM Diagnostic Systems EASY ST
EM Diagnostic Systems EPOS
Instrumentation Laboratory IL 919
Instrumentation Laboratory IL Genesis 21
Kodak Ektachem 250
Kodak Ektachem 700 P
Nova 12 (with CRT)
Nova 14 (with CRT)
Roche Cobas Bio
Roche Cobas Mira Plus
Technicon RA 100

Category: Manual or semi-automated procedures with limited steps and with limited sample or reagent preparation

Test System, Assay or Examination:
DataChem DC–100
I-STAT i-STAT Portable Clinical Analyzer
MediSense Satellite G
Sclavo Uni-Fast System Analyzer
Sclavo Uni-Fast2 System Analyzer

Analyte: Glycosylated Hemoglobin (Hgb A1C)

Category: Automated procedures that do not require operator intervention during the analytic process

Test System, Assay or Examination:
Bio-Rad Diamat Analyzer
Chembio Auto-Glyco-Sep/A1C jr
Helena Laboratories ColumnMate

Category: Manual or semi-automated procedures with limited steps and with limited sample or reagent preparation

Test System, Assay or Examination:
DataChem DC–100

Analyte: HCG, Serum, Qualitative

Category: Manual or semi-automated procedures with limited steps and with limited sample or reagent preparation

Test System, Assay or Examination:
Access Medical Systems ImmunoCLONE
Bio-Rad Quantimune
Kodak SureCell hCG
Leeco Diagnostics Preview Serum/Urine Pregnancy Test
Medical Technology Corp. OPTITEC HCG
Medix Biotech EIA Test Kit
Meridian Diagnostics Immunocard Test
Pacific Biotech Beta Quik Stat
Pacific Biotech Cards HCG-Serum/Urine
V-Tech Target HCG

Analyte: HCG, Serum, Quantitative

Category: Automated procedures that do not require operator intervention during the analytic process

Test System, Assay or Examination:
TOSOH A1A–1200
TOSOH A1A–600
Technicon Immuno 1 System

Analyte: HCG, Urine, Qualitative (non-waived procedures)

Category: Manual or semi-automated procedures with limited steps and with limited sample or reagent preparation

Test System, Assay or Examination:
Kodak SureCell hCG
NCS Pregnancy Latex Slide Test
Organon Teknika Pregnosticon Dri-Dot
Stanbio Fertitell Pregnancy Slide Test

Analyte: HCG, Whole Blood, Qualitative

Category: Manual or semi-automated procedures with limited steps and with limited sample or reagent preparation

Test System, Assay or Examination:
Bio-Rad Quantimune

Analyte: HDL Cholesterol (no manual precipitation VLDL/LDL)

Category: Automated procedures that do not require operator intervention during the analytic process

Test System, Assay or Examination:
Cirrus Diagnostics CRP (Cardiac Risk Profiler)
Category: Manual or semi-automated procedures with limited steps and with limited sample or reagent preparation
Test System, Assay or Examination:
Cholestech L.D.X. Lipid Analyzer

Analyte: Human Growth Hormone (GH)

Category: Automated procedures that do not require operator intervention during the analytic process
Test System, Assay or Examination:
TOSOH A1A–1200
TOSOH A1A–600

Analyte: Insulin

Category: Automated procedures that do not require operator intervention during the analytic process
Test System, Assay or Examination:
TOSOH A1A–1200
TOSOH A1A–600

Analyte: Iron

Category: Automated procedures that do not require operator intervention during the analytic process
Test System, Assay or Examination:
Du Pont Dimension ES
EM Diagnostic Systems EPOS
Kodak Ektachem 250
Roche Cobas Mira Plus
Category: Manual or semi-automated procedures with limited steps and with limited sample or reagent preparation
Test System, Assay or Examination:
DataChem DC–100

Analyte: Ketone, Blood

Category: Automated procedures that do not require operator intervention during the analytic process
Test System, Assay or Examination:
GDS Diagnostics Stat-Site Meter

Analyte: Lactate Dehydrogenase (LDH)

Category: Automated procedures that do not require operator intervention during the analytic process
Test System, Assay or Examination:
Du Pont Dimension ES
EM Diagnostic Systems EASY PLUS
EM Diagnostic Systems EASY ST
EM Diagnostic Systems EPOS
Instrumentation Laboratory IL Genesis 21
Kodak Ektachem 250
Kodak Ektachem 700 P
Roche Cobas Bio
Roche Cobas Mira Plus
Roche Cobas Ready
Technicon RA 100
Category: Manual or semi-automated procedures with limited steps and with limited sample or reagent preparation
Test System, Assay or Examination:
DataChem DC–100
Sclavo Uni-Fast System Analyzer
Sclavo Uni-Fast2 System Analyzer

Analyte: Lactate Dehydrogenase Heart Fraction (LDH–1)

Category: Automated procedures that do not require operator intervention during the analytic process
Test System, Assay or Examination:
Roche Cobas FARA
Roche Cobas FARA II
Roche Cobas Mira
Roche Cobas Mira Plus
Roche Cobas Mira S

Analyte: Lactic Acid (Lactate)

Category: Automated procedures that do not require operator intervention during the analytic process
Test System, Assay or Examination:
Du Pont Dimension ES
EM Diagnostic Systems EASY PLUS
EM Diagnostic Systems EASY ST
Kodak Ektachem 250

Analyte: Lipase

Category: Automated procedures that do not require operator intervention during the analytic process
Test System, Assay or Examination:
Ciba Corning 550 Express
Coulter Dacos
Du Pont Dimension ES
Electronucleonics Gem-Profiler
Electronucleonics Gemini
Electronucleonics Gemstar
Kodak Ektachem 250
Kodak Ektachem 700 P
Roche Cobas Bio
Roche Cobas FARA
Roche Cobas FARA II
Roche Cobas Mira
Roche Cobas Mira Plus
Roche Cobas Mira S

Analyte: Lithium

Category: Automated procedures that do not require operator intervention during the analytic process
Test System, Assay or Examination:
AMDEV Lytening 2 Instant ISE
AMDEV Lytening 2z Instant ISE
Baxter Lytening Systems 31
Ciba Corning 480
Instrumentation Laboratory IL 943
Nova 11 (with CRT)
Nova 13 (with CRT)
Nova 4 (with CRT)

Analyte: Luteinizing Hormone (LH)

Category: Automated procedures that do not require operator intervention during the analytic process
Test System, Assay or Examination:
PB Diagnostic Systems OPUS
TOSOH A1A–1200
TOSOH A1A–600
Technicon Immuno 1 System

Analyte: Magnesium

Category: Automated procedures that do not require operator intervention during the analytic process
Test System, Assay or Examination:
Du Pont Dimension ES
EM Diagnostic Systems EASY PLUS
EM Diagnostic Systems EASY ST
Kodak Ektachem 250
Kodak Ektachem 700 P
Roche Cobas Bio
Roche Cobas Mira Plus
Technicon RA 100

Analyte: Microprotein, CSF

Category: Automated procedures that do not require operator intervention during the analytic process
Test System, Assay or Examination:
Roche Cobas Mira Plus

Analyte: Microprotein, Urine

Category: Automated procedures that do not require operator intervention during the analytic process
Test System, Assay or Examination:
Roche Cobas Mira Plus

Analyte: Myoglobin

Category: Automated procedures that do not require operator intervention during the analytic process
Test System, Assay or Examination:
PB Diagnostic Systems OPUS

Analyte: Osmolality, Serum

Category: Automated procedures that do not require operator intervention during the analytic process
Test System, Assay or Examination:
Advanced Instruments 3M0 Micro-Osmometer
Advanced Instruments Cryomatic 3C2 Osmometer
Advanced Instruments DigiMatic 3D2 Osmometer
Precision Systems Cryette WR
Precision Systems Micro uOsmette
Precision Systems Multi-Osmette
Precision Systems Osmette A
Precision Systems Osmette II
Precision Systems Osmette S
Category: Manual or semi-automated procedures with limited steps and with limited sample or reagent preparation
Test System, Assay or Examination:
Advanced Instruments Wide Range Osmometer 3W2
Precision Systems Osmette
Wescor 5500 Vapor Pressure Osmometer
Wescor 5500XR Vapor Pressure Osmometer
Wescor Colloid Osmometer Model 4100

Wescor Colloid Osmometer Model 4400

Analyte: Osmolality, Urine

Category: Automated procedures that do not require operator intervention during the analytic process
Test System, Assay or Examination:
Advanced Instruments 3M0 Micro-Osmometer
Advanced Instruments Cryomatic 3C2 Osmometer
Advanced Instruments DigiMatic 3D2 Osmometer
Precision Systems Cryette WR
Precision Systems Micro uOsmette
Precision Systems Multi-Osmette
Precision Systems Osmette A
Precision Systems Osmette II
Precision Systems Osmette S
Category: Manual or semi-automated procedures with limited steps and with limited sample or reagent preparation
Test System, Assay or Examination:
Advanced Instruments Wide Range Osmometer 3W2
Precision Systems Osmette
Wescor 5500 Vapor Pressure Osmometer
Wescor 5500XR Vapor Pressure Osmometer
Wescor Colloid Osmometer Model 4100
Wescor Colloid Osmometer Model 4400

Analyte: Oxyhemoglobin/Oxygen Saturation

Category: Automated procedures that do not require operator intervention during the analytic process
Test System, Assay or Examination:
Instrumentation Laboratory IL 282
Waters Instruments Oxicom 2000

Analyte: Phosphorus

Category: Automated procedures that do not require operator intervention during the analytic process
Test System, Assay or Examination:
Du Pont Dimension ES
EM Diagnostic Systems EASY PLUS
EM Diagnostic Systems EASY ST
EM Diagnostic Systems EPOS
Instrumentation Laboratory IL Genesis 21
Kodak Ektachem 250
Kodak Ektachem 700 P
Roche Cobas Bio
Roche Cobas Mira Plus
Technicon RA 100
Category: Manual or semi-automated procedures with limited steps and with limited sample or reagent preparation
Test System, Assay or Examination:
DataChem DC–100
Sclavo Uni-Fast System Analyzer
Sclavo Uni-Fast2 System Analyzer

Analyte: Potassium

Category: Automated procedures that do not require operator intervention during the analytic process
Test System, Assay or Examination:
AMDEV Lytening 1 Instant ISE
AMDEV Lytening 2 Instant ISE
AMDEV Lytening 2z Instant ISE
AMDEV Lytening 5 Instant ISE
AMDEV Lytening 6 Instant ISE
AMDEV Lytening 6R Instant ISE
Baxter Lytening Systems 20
Baxter Lytening Systems 30
Baxter Lytening Systems 31
Baxter Lytening Systems 32
Ciba Corning 480
Du Pont Dimension ES
EM Diagnostic Systems EASY ST
Instrumentation Laboratory IL 943
Instrumentation Laboratory IL Genesis 21
Kodak Ektachem 250
Mallinckrodt GEM-STAT
MedTest Systems Medisensor 2001
Nova 1 (with CRT)
Nova 11 (with CRT)
Nova 12 (with CRT)
Nova 13 (with CRT)
Nova 14 (with CRT)
Nova 4 (with CRT)
Nova 5 (with CRT)
Orion Model 1020 Na/K Analyzer
Roche Cobas Mira Plus
Technicon RA 100
Category: Manual or semi-automated procedures with limited steps and with limited sample or reagent preparation
Test System, Assay or Examination:
I-STAT i-STAT Portable Clinical Analyzer
Pointe Scientific Ionetics Electrolyte Analyzer II
Pointe Scientific Ionetics Model 310
Seragen Quick-Lyte K/Na

Analyte: Prolactin

Category: Automated procedures that do not require operator intervention during the analytic process
Test System, Assay or Examination:
PB Diagnostic Systems OPUS
TOSOH A1A–1200
TOSOH A1A–600
Technicon Immuno 1 System

Analyte: Prostatic Acid Phosphatase

Category: Automated procedures that do not require operator intervention during the analytic process
Test System, Assay or Examination:
TOSOH A1A–1200
TOSOH A1A–600

Analyte: Protein, Total

Category: Automated procedures that do not require operator intervention during the analytic process
Test System, Assay or Examination:
Beckman Astra 8
Beckman Synchron AS–Xi
Behring Nephelometer
Behring Nephelometer 100
Du Pont Dimension ES
EM Diagnostic Systems EASY ST
EM Diagnostic Systems EPOS
Instrumentation Laboratory IL Genesis 21
Kodak Ektachem 250
Kodak Ektachem 700 P
Roche Cobas Bio
Roche Cobas Mira Plus
Roche Cobas Ready
Technicon RA 100
Category: Manual or semi-automated procedures with limited steps and with limited sample or reagent preparation
Test System, Assay or Examination:
DataChem DC–100
Reichert TS Meter
Sclavo Uni-Fast System Analyzer
Sclavo Uni-Fast2 System Analyzer

Analyte: Pseudocholinesterase

Category: Automated procedures that do not require operator intervention during the analytic process
Test System, Assay or Examination:
Du Pont Dimension ES

Analyte: Retinol Binding Protein

Category: Automated procedures that do not require operator intervention during the analytic process
Test System, Assay or Examination:
Behring Nephelometer
Behring Nephelometer 100

Analyte: Salicylates

Category: Automated procedures that do not require operator intervention during the analytic process
Test System, Assay or Examination:
Kodak Ektachem 250

Analyte: Sodium

Category: Automated procedures that do not require operator intervention during the analytic process
Test System, Assay or Examination:
AMDEV Lytening 1 Instant ISE
AMDEV Lytening 2 Instant ISE
AMDEV Lytening 2z Instant ISE
AMDEV Lytening 5 Instant ISE
AMDEV Lytening 6 Instant ISE
AMDEV Lytening 6R Instant ISE
Baxter Lytening Systems 20
Baxter Lytening Systems 30
Baxter Lytening Systems 31
Baxter Lytening Systems 32
Ciba Corning 480
Du Pont Dimension ES
Instrumentation Laboratory IL 943
Instrumentation Laboratory IL Genesis 21

Kodak Ektachem 250
Mallinckrodt GEM—STAT
MedTest Systems Medisensor 2001
Nova 1 (with CRT)
Nova 11 (with CRT)
Nova 12 (with CRT)
Nova 13 (with CRT)
Nova 14 (with CRT)
Nova 4 (with CRT)
Nova 5 (with CRT)
Orion Model 1020 Na/K Analyzer
Roche Cobas Mira Plus

Category: Manual or semi-automated procedures with limited steps and with limited sample or reagent preparation

Test System, Assay or Examination:
I-STAT i-STAT Portable Clinical Analyzer
Pointe Scientific Ionetics Electrolyte Analyzer II
Pointe Scientific Ionetics Model 310
Seragen Quick-Lyte K/Na

Analyte: Thyroid Stimulating Hormone (TSH)

Category: Automated procedures that do not require operator intervention during the analytic process

Test System, Assay or Examination:
TOSOH A1A–1200
TOSOH A1A–600

Analyte: Thyroid Stimulating Hormone—High Sens. (TSH–HS)

Category: Automated procedures that do not require operator intervention during the analytic process

Test System, Assay or Examination:
Technicon Immuno 1 System

Analyte: Thyroxine (T4)

Category: Automated procedures that do not require operator intervention during the analytic process

Test System, Assay or Examination:
EM Diagnostic Systems EPOS
Roche Cobas Bio
Roche Cobas Mira Plus
TOSOH A1A–1200
TOSOH A1A–600
Technicon Immuno 1 System

Analyte: Thyroxine, Free (FT4)

Category: Automated procedures that do not require operator intervention during the analytic process

Test System, Assay or Examination:
TOSOH A1A–1200
TOSOH A1A–600
Technicon Immuno 1 System

Analyte: Triglyceride

Category: Automated procedures that do not require operator intervention during the analytic process

Test System, Assay or Examination:
Cirrus Diagnostics CRP (Cardiac Risk Profiler)
Du Pont Dimension ES
EM Diagnostic Systems EASY PLUS
EM Diagnostic Systems EASY ST
EM Diagnostic Systems EPOS
Instrumentation Laboratory IL Genesis 21
Kodak Ektachem 250
Kodak Ektachem 700 P
Roche Cobas Bio
Roche Cobas Mira Plus
Roche Cobas Ready
Technicon RA 100

Category: Manual or semi-automated procedures with limited steps and with limited sample or reagent preparation

Test System, Assay or Examination:
Cholestech L.D.X. Lipid Analyzer
DataChem DC–100
Sclavo Uni-Fast System Analyzer
Sclavo Uni-Fast2 System Analyzer

Analyte: Triiodothyronine (T3)

Category: Automated procedures that do not require operator intervention during the analytic process

Test System, Assay or Examination:
TOSOH A1A–1200
TOSOH A1A–600
Technicon Immuno 1 System

Analyte: Triiodothyronine Uptake (T3U) (TU)

Category: Automated procedures that do not require operator intervention during the analytic process

Test System, Assay or Examination:
Du Pont Dimension ES
EM Diagnostic Systems EPOS
PB Diagnostic Systems OPUS
Roche Cobas Bio
Roche Cobas Mira Plus
TOSOH A1A–1200
TOSOH A1A–600
Technicon DAX 24
Technicon DAX 48
Technicon DAX 72
Technicon DAX 96
Technicon Immuno 1 System

Analyte: Urea (BUN)

Category: Automated procedures that do not require operator intervention during the analytic process

Test System, Assay or Examination:
Du Pont Dimension ES
EM Diagnostic Systems EASY PLUS
EM Diagnostic Systems EASY ST
EM Diagnostic Systems EPOS
Instrumentation Laboratory IL 919
Instrumentation Laboratory IL Genesis 21
Kodak Ektachem 250
Kodak Ektachem 700 P
Nova 12 (with CRT)
Nova 14 (with CRT)
Roche Cobas Bio
Roche Cobas Mira Plus
Technicon RA 100

Category: Manual or semi-automated procedures with limited steps and with limited sample or reagent preparation

Test System, Assay or Examination:
Ames Azostix
DataChem DC–100
I-STAT i-STAT Portable Clinical Analyzer
Sclavo Uni-Fast System Analyzer
Sclavo Uni-Fast2 System Analyzer

Analyte: Uric Acid

Category: Automated procedures that do not require operator intervention during the analytic process

Test System, Assay or Examination:
Du Pont Dimension ES
EM Diagnostic Systems EASY PLUS
EM Diagnostic Systems EASY ST
EM Diagnostic Systems EPOS
Instrumentation Laboratory IL Genesis 21
Kodak Ektachem 250
Kodak Ektachem 700 P
Roche Cobas Bio
Roche Cobas Mira
Roche Cobas Mira Plus
Roche Cobas Ready
Technicon RA 100

Category: Manual or semi-automated procedures with limited steps and with limited sample or reagent preparation

Test System, Assay or Examination:
DataChem DC–100
Sclavo Uni-Fast System Analyzer
Sclavo Uni-Fast2 System Analyzer

Analyte: Vitamin B12

Category: Automated procedures that do not require operator intervention during the analytic process

Test System, Assay or Examination:
Roche Cobas Mira Plus

Speciality/Subspeciality: General Immunology

Analyte: Alpha-1 Microglobin

Category: Automated procedures that do not require operator intervention during the analytic process

Test System, Assay or Examination:
Behring Nephelometer
Behring Nephelometer 100

Analyte: Alpha-1-Acid Glycoprotein (orosomucoid)

Category: Automated procedures that do not require operator intervention during the analytic process

Test System, Assay or Examination:
Behring Nephelometer
Behring Nephelometer 100
Sanofi/Kallestad QH 300
Technicon DPA–1

Analyte: Alpha-1-Antitrypsin

Category: Automated procedures that do not require operator intervention during the analytic process
Test System, Assay or Examination:
Behring Nephelometer
Behring Nephelometer 100
Roche Cobas Mira Plus
Sanofi/Kallestad QH 300
Technicon DPA–1

Analyte: Alpha-2-Macroglobulin

Category: Automated procedures that do not require operator intervention during the analytic process
Test System, Assay or Examination:
Behring Nephelometer
Behring Nephelometer 100
Sanofi/Kallestad QH 300
Technicon DPA–1

Analyte: Anti-Streptolysin O (ASO)

Category: Automated procedures that do not require operator intervention during the analytic process
Test System, Assay or Examination:
Behring Nephelometer
Behring Nephelometer 100
Sanofi/Kallestad QH 300
Category: Manual or semi-automated procedures with limited steps and with limited sample or reagent preparation
Test System, Assay or Examination:
Behring Turbitime

Analyte: Beta-2 microglobulin

Category: Automated procedures that do not require operator intervention during the analytic process
Test System, Assay or Examination:
TOSOH A1A–1200
TOSOH A1A–600

Analyte: C-Reactive Protein (CRP)

Category: Automated procedures that do not require operator intervention during the analytic process
Test System, Assay or Examination:
Behring Nephelometer
Behring Nephelometer 100
Du Pont Dimension ES
EM Diagnostic Systems EPOS
Roche Cobas Mira Plus
Sanofi/Kallestad QH 300
Technicon DPA-1
Category: Manual or semi-automated procedures with limited steps and with limited sample or reagent preparation
Test System, Assay or Examination:
Behring Turbitime
NCS CRP Slide Test

Analyte: Ceruloplasmin

Category: Automated procedures that do not require operator intervention during the analytic process
Test System, Assay or Examination:
Behring Nephelometer
Behring Nephelometer 100
Sanofi/Kallestad QH 300
Technicon DPA-1

Analyte: Complement C3

Category: Automated procedures that do not require operator intervention during the analytic process
Test System, Assay or Examination:
Behring Nephelometer
Behring Nephelometer 100
Roche Cobas Mira Plus
Sanofi/Kallestad QH 300
Technicon DPA-1
Category: Manual or semi-automated procedures with limited steps and with limited sample or reagent preparation
Test System, Assay or Examination:
Behring Turbitime

Analyte: Complement C4

Category: Automated procedures that do not require operator intervention during the analytic process
Test System, Assay or Examination:
Behring Nephelometer
Behring Nephelometer 100
Roche Cobas Mira Plus
Sanofi/Kallestad QH 300
Technicon DPA-1
Category: Manual or semi-automated procedures with limited steps and with limited sample or reagent preparation
Test System, Assay or Examination:
Behring Turbitime

Analyte: Cytomegalovirus Antibodies

Category: Automated procedures that do not require operator intervention during the analytic process
Test System, Assay or Examination:
PB Diagnostic Systems OPUS

Analyte: Febrile Agglutinins

Category: Manual or semi-automated procedures with limited steps and with limited sample or reagent preparation
Test System, Assay or Examination:
Becton Dickinson BBL—Tube Test
Difco Bacto—Tube Test
Gamma Biologicals—Tube Test
Roach Laboratories—Slide Test
Roach Laboratories—Tube Test

Analyte: Haptoglobin

Category: Automated procedures that do not require operator intervention during the analytic process
Test System, Assay or Examination:
Behring Nephelometer
Behring Nephelometer 100
Roche Cobas Mira Plus
Sanofi/Kallestad QH 300
Technicon DPA-1
Category: Manual or semi-automated procedures with limited steps and with limited sample or reagent preparation
Test System, Assay or Examination:
Behring Turbitime

Analyte: Hemopexin

Category: Automated procedures that do not require operator intervention during the analytic process
Test System, Assay or Examination:
Behring Nephelometer

Analyte: Immunoglobulins IgA

Category: Automated procedures that do not require operator intervention during the analytic process
Test System, Assay or Examination:
Behring Nephelometer
Behring Nephelometer 100
Roche Cobas Mira Plus
Sanofi/Kallestad QH 300
Technicon DPA-1
Category: Manual or semi-automated procedures with limited steps and with limited sample or reagent preparation
Test System, Assay or Examination:
Behring Turbitime

Analyte: Immunoglobulins IgE

Category: Automated procedures that do not require operator intervention during the analytic process
Test System, Assay or Examination:
Behring Nephelometer 100
TOSOH A1A-1200
TOSOH A1A-600

Analyte: Immunoglobulins IgG

Category: Automated procedures that do not require operator intervention during the analytic process
Test System, Assay or Examination:
Behring Nephelometer
Behring Nephelometer 100
Roche Cobas Mira Plus
Sanofi/Kallestad QH 300
Technicon DPA-1
Category: Manual or semi-automated procedures with limited steps and with limited sample or reagent preparation
Test System, Assay or Examination:
Behring Turbitime

Analyte: Immunoglobulins IgM

Category: Automated procedures that do not require operator intervention during the analytic process
Test System, Assay or Examination:
Behring Nephelometer
Behring Nephelometer 100
Roche Cobas Mira Plus
Sanofi/Kallestad QH 300
Technicon DPA–1
Category: Manual or semi-automated procedures with limited steps and

with limited sample or reagent preparation
Test System, Assay or Examination:
Behring Turbitime

Analyte: Kappa Light Chains

Category: Automated procedures that do not require operator intervention during the analytic process
Test System, Assay or Examination:
Behring Nephelometer
Behring Nephelometer 100
Sanofi/Kallestad QH 300

Analyte: Lambda Light Chains

Category: Automated procedures that do not require operator intervention during the analytic process
Test System, Assay or Examination:
Behring Nephelometer
Behring Nephelometer 100
Sanofi/Kallestad QH 300

Analyte: Myoglobin

Category: Automated procedures that do not require operator intervention during the analytic process
Test System, Assay or Examination:
Behring Nephelometer
Behring Nephelometer 100
Category: Manual or semi-automated procedures with limited steps and with limited sample or reagent preparation
Test System, Assay or Examination:
Behring Turbitime

Analyte: Prealbumin

Category: Automated procedures that do not require operator intervention during the analytic process
Test System, Assay or Examination:
Behring Nephelometer
Behring Nephelometer 100
Sanofi/Kallestad QH 300

Analyte: Properdin Factor B

Category: Automated procedures that do not require operator intervention during the analytic process
Test System, Assay or Examination:
Technicon DPA–1

Analyte: Rheumatoid Factor (RF)

Category: Automated procedures that do not require operator intervention during the analytic process
Test System, Assay or Examination:
Behring Nephelometer
Behring Nephelometer 100
Sanofi/Kallestad QH 300
Technicon DPA–1
Category: Manual or semi-automated procedures with limited steps and with limited sample or reagent preparation
Test System, Assay or Examination:
Behring Turbitime

Analyte: Rubella Antibodies

Category: Automated procedures that do not require operator intervention during the analytic process
Test System, Assay or Examination:
PB Diagnostic Systems OPUS
Category: Manual or semi-automated procedures with limited steps and with limited sample or reagent preparation
Test System, Assay or Examination:
Seradyn Seratest Rubella

Analyte: Sprothrix schenckii Antibodies

Category: Manual or semi-automated procedures with limited steps and with limited sample or reagent preparation
Test System, Assay or Examination:
Immuno-Mycologics Exo-Antigen Test Kit

Analyte: Transferrin

Category: Automated procedures that do not require operator intervention during the analytic process
Test System, Assay or Examination:
Behring Nephelometer
Behring Nephelometer 100
Roche Cobas Mira Plus
Sanofi/Kallestad QH 300
Technicon DPA–1
Category: Manual or semi-automated procedures with limited steps and with limited sample or reagent preparation
Test System, Assay or Examination:
Behring Turbitime

Analyte: Treponema pallidum Antibodies (includes Reagin)

Category: Manual or semi-automated procedures with limited steps and with limited sample or reagent preparation
Test System, Assay or Examination:
Biokit RPR
Seradyn Color Slide—TRUST
Speciality/Subspeciality: Hematology

Analyte: Activated Clotting Time (ACT)

Category: Automated procedures that do not require operator intervention during the analytic process
Test System, Assay or Examination:
Quest Medical ACTester/ACTest AACT System

Analyte: Activated Partial Thromboplastin Time (APTT)

Category: Automated procedures that do not require operator intervention during the analytic process
Test System, Assay or Examination:
Bio/Data MCA 110
Bio/Data MCA 210
General Diagnostics Coag-A-Mate 150
General Diagnostics Coag-A-Mate 2001
General Diagnostics Coag-A-Mate Dual Channel
Ortho Koagulab 60–S
Category: Manual or semi-automated procedures with limited steps and with limited sample or reagent preparation
Test System, Assay or Examination:
DataChem DC–100
Diagnostica Stago ST4
LAbor COA Data 2000
LAbor COA Screener
LAbor COA System
TECO Coatron F2
TECO Coatron II
TECO Coatron Jr

Analyte: Antithrombin III (ATIII)

Category: Automated procedures that do not require operator intervention during the analytic process
Test System, Assay or Examination:
Behring Nephelometer
Behring Nephelometer 100

Analyte: Bleeding Time

Category: Manual or semi-automated procedures with limited steps and with limited sample or reagent preparation
Test System, Assay or Examination:
International Technidyne Surgicutt Bleeding Time Test

Analyte: Eosinophils

Category: Microscopic evaluation and/or enumeration of cells, formed elements, or microorganisms in stained preparations
Test System, Assay or Examination:
All Nasal Smears for Eosinophils

Analyte: Fibrinogen

Category: Automated procedures that do not require operator intervention during the analytic process
Test System, Assay or Examination:
Behring Nephelometer
Behring Nephelometer 100
Bio/Data MCA 110
Bio/Data MCA 210
Instrumentation Laboratory IL ACL 1000
Medical Laboratories MLA Electra 1000 C
Medical Laboratories MLA Electra 900
Medical Laboratories MLA Electra 900 C
Organon Teknika Coag-A-Mate RA4
Organon Teknika Coag-A-Mate XC Plus
Ortho Koagulab 60–S
Category: Manual or semi-automated procedures with limited steps and with limited sample or reagent preparation
Test System, Assay or Examination:
Becton Dickinson QBC AutoRead

Becton Dickinson QBC Reference
LAbor COA Data 2000
LAbor COA Screener
LAbor COA System
Medical Laboratories MLA Electra 750
TECO Coatron F2
TECO Coatron II
TECO Coatron Jr

Analyte: Hematocrit

Category: Automated procedures that do not require operator intervention during the analytic process
Test System, Assay or Examination:
Abbott Cell-Dyn 3300 CS
Abbott Cell-Dyn 3300 SL
Abbott Cell-Dyn 3500 CS
Abbott Cell-Dyn 3500 SL
Coulter JR
Coulter MD16
Mallinckrodt GEM–STAT
MedTest Systems Medisensor 2001
Nova 1 (with CRT)
Nova 11 (with CRT)
Nova 13 (with CRT)
Nova 14 (with CRT)
Nova 5 (with CRT)
Roche Cobas Argos
Roche Cobas Helios
Seradyn Seragen Quick Count Plus II
Technicon H.1 Jr
Technicon H.1E System
Technicon H.2 System
Category: Manual or semi-automated procedures with limited steps and with limited sample or reagent preparation
Test System, Assay or Examination:
I–STAT i–STAT Portable Clinical Analyzer

Analyte: Hemoglobin

Category: Automated procedures that do not require operator intervention during the analytic process
Test System, Assay or Examination:
Abbott Cell-Dyn 3300 CS
Abbott Cell-Dyn 3300 SL
Abbott Cell-Dyn 3500 CS
Abbott Cell-Dyn 3500 SL
Coulter JR
Coulter MD16
EM Diagnostic Systems EASY PLUS
EM Diagnostic Systems EASY ST
Roche Cobas Argos
Roche Cobas Helios
Seradyn Seragen Quick Count Plus II
Technicon H.1 Jr
Technicon H.1E System
Technicon H.2 System
Category: Manual or semi-automated procedures with limited steps and with limited sample or reagent preparation
Test System, Assay or Examination:
DataChem DC–100

Analyte: Hemoglobin A2

Category: Automated procedures that do not require operator intervention during the analytic process
Test System, Assay or Examination:
Helena Laboratories ColumnMate

Analyte: Hemoglobin S

Category: Automated procedures that do not require operator intervention during the analytic process
Test System, Assay or Examination:
Helena Laboratories ColumnMate

Analyte: Leukocytes, Fecal Smear

Category: Microscopic evaluation and/or enumeration of cells, formed elements, or microorganisms in stained preparations
Test System, Assay or Examination:
All Fecal Smears for Leukocytes

Analyte: Plasminogen

Category: Automated procedures that do not require operator intervention during the analytic process
Test System, Assay or Examination:
Behring Nephelometer
Behring Nephelometer 100

Analyte: Platelet Count

Category: Automated procedures that do not require operator intervention during the analytic process
Test System, Assay or Examination:
Abbott Cell-Dyn 3300 CS
Abbott Cell-Dyn 3300 SL
Abbott Cell-Dyn 3500 CS
Abbott Cell-Dyn 3500 SL
Coulter MD16
Roche Cobas Argos
Technicon H.1 Jr
Technicon H.1E System
Technicon H.2 System

Analyte: Prothrombin Time (PT)

Category: Automated procedures that do not require operator intervention during the analytic process
Test System, Assay or Examination:
Bio/Data MCA 110
Bio/Data MCA 210
Du Pont Coumatrak
EM Diagnostic Systems EASY ST
General Diagnostics Coag-A-Mate 150
General Diagnostics Coag-A-Mate 2001
General Diagnostics Coag-A-Mate Dual Channel
Ortho Koagulab 60–S
Category: Manual or semi-automated procedures with limited steps and with limited sample or reagent preparation
Test System, Assay or Examination:
DataChem DC–100
Diagnostica Stago ST4
LAbor COA Data 2000
LAbor COA Screener
LAbor COA System
Sclavo Uni-Fast System Analyzer
TECO Coatron F2
TECO Coatron II
TECO Coatron Jr

Analyte: Red Blood Cell Count (Erythrocyte Count)

Category: Automated procedures that do not require operator intervention during the analytic process
Test System, Assay or Examination:
Abbott Cell-Dyn 3300 CS
Abbott Cell-Dyn 3300 SL
Abbott Cell-Dyn 3500 CS
Abbott Cell-Dyn 3500 SL
Coulter JR
Coulter MD16
Roche Cobas Helios
Seradyn Seragen Quick Count Plus II
Technicon H.1 Jr
Technicon H.1E System
Technicon H.2 System

Analyte: Reticulocyte Count

Category: Automated procedures that do not require operator intervention during the analytic process
Test System, Assay or Examination:
Sysmex R–1000
Sysmex R–3000

Analyte: Semen

Category: Automated procedures that do not require operator intervention during the analytic process
Test System, Assay or Examination:
Hamilton-Thorn HTM–IVOS (count and motility only)
Category: Microscopic evaluation and/or enumeration of cells, formed elements, or microorganisms in unstained preparations
Test System, Assay or Examination:
All Manual Semen Analyses (presence or absence only)

Analyte: Thrombin Time

Category: Automated procedures that do not require operator intervention during the analytic process
Test System, Assay or Examination:
Bio/Data MCA 210
General Diagnostics Coag-A-Mate X2
Instrumentation Laboratory IL ACL 100
Instrumentation Laboratory IL ACL 1000
Instrumentation Laboratory IL ACL 200
Instrumentation Laboratory IL ACL 2000
Instrumentation Laboratory IL ACL 300
Instrumentation Laboratory IL ACL 3000
Instrumentation Laboratory IL ACL 3000 Plus

Medical Laboratories MLA Electra 1000 C
Medical Laboratories MLA Electra 900
Medical Laboratories MLA Electra 900 C
Organon Teknika Coag-A-Mate XC
Organon Teknika Coag-A-Mate XC Plus
Ortho Koagulab 16S
Ortho Koagulab 32–S
Ortho Koagulab 60–S
Category: Manual or semi-automated procedures with limited steps and with limited sample or reagent preparation
Test System, Assay or Examination:
Diagnostica Stago ST4
LAbor COA Data 2000
LAbor COA Screener
Medical Laboratories MLA Electra 750
TECO Coatron F2
TECO Coatron II
TECO Coatron Jr

Analyte: White Blood Cell (WBC) Differential

Category: Automated procedures that do not require operator intervention during the analytic process
Test System, Assay or Examination:
Abbott Cell-Dyn 3300 CS
Abbott Cell-Dyn 3300 SL
Abbott Cell-Dyn 3500 CS
Abbott Cell-Dyn 3500 SL
Coulter MD16
Roche Cobas Argos5 Diff
Roche Cobas Helios
Technicon H.2 System

Analyte: White Blood Cell Count (Leukocyte Count)

Category: Automated procedures that do not require operator intervention during the analytic process
Test System, Assay or Examination:
Abbott Cell-Dyn 3300 CS
Abbott Cell-Dyn 3300 SL
Abbott Cell-Dyn 3500 CS
Abbott Cell-Dyn 3500 SL
Coulter JR
Coulter MD16
Roche Cobas Helios
Seradyn Seragen Quick Count Plus II
Technicon H.1 Jr
Technicon H.1E System
Technicon H.2 System

Analyte: Whole Blood Clotting Time

Category: Automated procedures that do not require operator intervention during the analytic process
Test System, Assay or Examination:
Haemoscope Thromboelastograph (qualitative procedure)
Logos elvi 816 Bi Clot (qualitative procedure)
Sienco SONOCLOT Coagulation Analyzer (qualitative procedure)
Sienco SONOCLOT II Surgical Analyzer (qualitative procedure)
Speciality/Subspeciality: Mycology

Analyte: Dermatophytes

Category: Manual or semi-automated procedures with limited steps and with limited sample or reagent preparation
Test System, Assay or Examination:
Adams Scientific Selecticult-DTM Culture Kits, Inc. Derm-Kit

Analyte: Fungi

Category: Automated procedures that do not require operator intervention during the analytic process
Test System, Assay or Examination:
Becton Dickinson BACTEC NR–860

Analyte: Fungi—Fungal elements only

Category: Microscopic evaluations of direct specimens in microbiology or parasitology
Test System, Assay or Examination:
All Wet Mount Preparations for Yeast

Analyte: Yeast

Category: Microscopic evaluations of direct specimens in microbiology or parasitology
Test System, Assay or Examination:
All Wet Mount Preparations for Yeast

Analyte: Yeast, Candida only

Category: Manual or semi-automated procedures with limited steps and with limited sample or reagent preparation
Test System, Assay or Examination:
Bio-Medical BIOCARD Candida (direct antigen/visual)
Difco Candida Latex Test (direct antigen/visual)
Leeco Diagnostics Super Duo (direct antigen/visual)
Medical Technology Corp. CandidaSure (direct Ag/visual)
Miles Diagnostic Labs MicroStix-Candida
SmithKline Diagnostics Isocult Combination Culture Test
SmithKline Isocult Diagnostic Culturing System
Speciality/Subspeciality: Parasitology

Analyte: Intestinal parasites

Category: Manual or semi-automated procedures with limited steps and with limited sample or reagent preparation
Test System, Assay or Examination:
Alexon ProSpecT Cryptosporidium Microtiter (dir Ag/visual)
Alexon ProSpecT Giardia Rapid Assay

Analyte: Trichomonas

Category: Manual or semi-automated procedures with limited steps and with limited sample or reagent preparation
Test System, Assay or Examination:
Leeco Diagnostics Super Duo (direct antigen/visual)
SmithKline Diagnostics Isocult Combination Culture Test
SmithKline Isocult Diagnostic Culturing System
Speciality/Subspeciality: Toxicology/TDM

Analyte: Acetaminophen

Category: Automated procedures that do not require operator intervention during the analytic process
Test System, Assay or Examination:
Abbott Spectrum
Baxter Paramax
Beckman Synchron CX 4
Beckman Synchron CX 4 CE
Beckman Synchron CX 5
Beckman Synchron CX 7
Boehringer Mannheim Hitachi 704
Boehringer Mannheim Hitachi 705
Boehringer Mannheim Hitachi 717
Ciba Corning 550 Express
Coulter Dacos
Instrumentation Laboratory IL Monarch
Roche Cobas Bio FP
Roche Cobas FARA
Roche Cobas FARA II
Roche Cobas Mira
Roche Cobas Mira Plus
Roche Cobas Mira S
Technicon AXON
Technicon RA 1000
Technicon RA 500

Analyte: Amikacin

Category: Automated procedures that do not require operator intervention during the analytic process
Test System, Assay or Examination:
EM Diagnostic Systems EASY PLUS
EM Diagnostic Systems EASY ST
EM Diagnostic Systems EPOS
Roche Cobas Bio FP

Analyte: Amphetamines

Category: Automated procedures that do not require operator intervention during the analytic process
Test System, Assay or Examination:
Boehringer Mannheim Hitachi 747
EM Diagnostic Systems EPOS
Roche Cobas FARA II
Roche Cobas Mira
Roche Cobas Mira Plus
Roche Cobas Mira S
Category: Manual or semi-automated procedures with limited steps and with limited sample or reagent preparation
Test System, Assay or Examination:
Immunotech Microzyme EIA Visual Procedure

Roche Abuscreen ONTRAK

Analyte: Barbiturates

Category: Automated procedures that do not require operator intervention during the analytic process
Test System, Assay or Examination:
Boehringer Mannheim Hitachi 747
EM Diagnostic Systems EPOS
Roche Cobas FARA II
Roche Cobas Mira
Roche Cobas Mira Plus
Roche Cobas Mira S
Category: Manual or semi-automated procedures with limited steps and with limited sample or reagent preparation
Test System, Assay or Examination:
Roche Abuscreen ONTRAK

Analyte: Benzodiazepines

Category: Automated procedures that do not require operator intervention during the analytic process
Test System, Assay or Examination:
Boehringer Mannheim Hitachi 747
Roche Cobas FARA II
Roche Cobas Mira
Roche Cobas Mira Plus
Roche Cobas Mira S
Category: Manual or semi-automated procedures with limited steps and with limited sample or reagent preparation
Test System, Assay or Examination:
Roche Abuscreen ONTRAK

Analyte: Benzodiazepines, Urine

Category: Automated procedures that do not require operator intervention during the analytic process
Test System, Assay or Examination:
EM Diagnostic Systems EPOS

Analyte: Cannabinoids (THC)

Category: Automated procedures that do not require operator intervention during the analytic process
Test System, Assay or Examination:
Boehringer Mannheim Hitachi 717
Boehringer Mannheim Hitachi 747
EM Diagnostic Systems EPOS
Roche Cobas FARA II
Roche Cobas Mira
Roche Cobas Mira Plus
Roche Cobas Mira S
Category: Manual or semi-automated procedures with limited steps and with limited sample or reagent preparation
Test System, Assay or Examination:
Immunotech Microzyme EIA Visual Procedure
Roche Abuscreen ONTRAK

Analyte: Carbamazepine

Category: Automated procedures that do not require operator intervention during the analytic process
Test System, Assay or Examination:
Ciba Corning Biotrack 516
EM Diagnostic Systems EASY PLUS
EM Diagnostic Systems EASY ST
Roche Cobas Bio FP
Roche Cobas Mira Plus
Category: Manual or semi-automated procedures with limited steps and with limited sample or reagent preparation
Test System, Assay or Examination:
Syntex Medical Diagnostics AccuLevel

Analyte: Cocaine Metabolites

Category: Automated procedures that do not require operator intervention during the analytic process
Test System, Assay or Examination:
Boehringer Mannheim Hitachi 747
EM Diagnostic Systems EPOS
Roche Cobas FARA II
Roche Cobas Mira
Roche Cobas Mira Plus
Roche Cobas Mira S
Category: Manual or semi-automated procedures with limited steps and with limited sample or reagent preparation
Test System, Assay or Examination:
Immunotech Microzyme EIA Visual Procedure
Roche Abuscreen ONTRAK

Analyte: Digoxin

Category: Automated procedures that do not require operator intervention during the analytic process
Test System, Assay or Examination:
Du Pont Dimension ES
EM Diagnostic Systems EPOS
Roche Cobas Bio FP
Roche Cobas Mira Plus
Technicon Immuno 1 System

Analyte: Disopyramide

Category: Automated procedures that do not require operator intervention during the analytic process
Test System, Assay or Examination:
EM Diagnostic Systems EPOS

Analyte: Ethanol (Alcohol)

Category: Automated procedures that do not require operator intervention during the analytic process
Test System, Assay or Examination:
Du Pont Dimension ES
EM Diagnostic Systems EASY PLUS
EM Diagnostic Systems EASY ST
Roche Cobas FARA
Roche Cobas FARA II
Roche Cobas Mira
Roche Cobas Mira S
Category: Manual or semi-automated procedures with limited steps and with limited sample or reagent preparation
Test System, Assay or Examination:
Roche ON-SITE Alcohol Test
TOXI-LAB Alcohol Procedure
TOXI-LAB ON-SITE Alcohol

Analyte: Gentamicin

Category: Automated procedures that do not require operator intervention during the analytic process
Test System, Assay or Examination:
EM Diagnostic Systems EASY PLUS
EM Diagnostic Systems EASY ST
EM Diagnostic Systems EPOS
PB Diagnostic Systems OPUS
Roche Cobas Bio FP
Roche Cobas Mira Plus
Technicon Immuno 1 System

Analyte: Isonicotinic Acid

Category: Manual or semi-automated procedures with limited steps and with limited sample or reagent preparation
Test System, Assay or Examination:
Difco Bacto INH Test Strips

Analyte: Methadone

Category: Automated procedures that do not require operator intervention during the analytic process
Test System, Assay or Examination:
EM Diagnostic Systems EPOS
Roche Cobas Mira Plus

Analyte: Methaqualone

Category: Automated procedures that do not require operator intervention during the analytic process
Test System, Assay or Examination:
EM Diagnostic Systems EPOS
Roche Cobas Mira Plus

Analyte: Morphine

Category: Automated procedures that do not require operator intervention during the analytic process
Test System, Assay or Examination:
Roche Cobas Mira
Roche Cobas Mira S
Category: Manual or semi-automated procedures with limited steps and with limited sample or reagent preparation
Test System, Assay or Examination:
Roche Abuscreen ONTRAK

Analyte: N-Acetylprocainamide (NAPA)

Category: Automated procedures that do not require operator intervention during the analytic process
Test System, Assay or Examination:
EM Diagnostic Systems EASY PLUS
EM Diagnostic Systems EASY ST
EM Diagnostic Systems EPOS
Roche Cobas Bio FP
Roche Cobas Mira Plus

Analyte: Opiates

Category: Automated procedures that do not require operator intervention during the analytic process
Test System, Assay or Examination:
Boehringer Mannheim Hitachi 747
EM Diagnostic Systems EPOS
Roche Cobas FARA II
Roche Cobas Mira Plus
Category: Manual or semi-automated procedures with limited steps and with limited sample or reagent preparation
Test System, Assay or Examination:
Immunotech Microzyme EIA Visual Procedure

Analyte: Phencyclidine (PCP)

Category: Automated procedures that do not require operator intervention during the analytic process
Test System, Assay or Examination:
Boehringer Mannheim Hitachi 747
EM Diagnostic Systems EPOS
Roche Cobas FARA II
Roche Cobas Mira
Roche Cobas Mira S
Category: Manual or semi-automated procedures with limited steps and with limited sample or reagent preparation
Test System, Assay or Examination:
Immunotech Microzyme EIA Visual Procedure
Roche Abuscreen ONTRAK

Analyte: Phenobarbital

Category: Automated procedures that do not require operator intervention during the analytic process
Test System, Assay or Examination:
Du Pont Dimension ES
EM Diagnostic Systems EASY PLUS
EM Diagnostic Systems EASY ST
EM Diagnostic Systems EPOS
Roche Cobas Bio FP
Roche Cobas Mira Plus
Technicon Immuno 1 System
Category: Manual or semi-automated procedures with limited steps and with limited sample or reagent preparation
Test System, Assay or Examination:
Syntex Medical Diagnostics AccuLevel

Analyte: Phenytoin

Category: Automated procedures that do not require operator intervention during the analytic process
Test System, Assay or Examination:
Ames Clinimate—TDA
Ciba Corning Biotrack 516
Du Pont Dimension ES
EM Diagnostic Systems EASY PLUS
EM Diagnostic Systems EASY ST
Roche Cobas Bio FP
Roche Cobas Mira Plus
Technicon Immuno 1 System
Category: Manual or semi-automated procedures with limited steps and with limited sample or reagent preparation
Test System, Assay or Examination:
Syntex Medical Diagnostics AccuLevel

Analyte: Primidone

Category: Automated procedures that do not require operator intervention during the analytic process
Test System, Assay or Examination:
EM Diagnostic Systems EASY PLUS
EM Diagnostic Systems EASY ST
EM Diagnostic Systems EPOS
Roche Cobas Bio FP
Roche Cobas Mira Plus

Analyte: Procainamide

Category: Automated procedures that do not require operator intervention during the analytic process
Test System, Assay or Examination:
EM Diagnostic Systems EASY PLUS
EM Diagnostic Systems EASY ST
EM Diagnostic Systems EPOS
Roche Cobas Bio FP
Roche Cobas Mira Plus

Analyte: Propoxyphene

Category: Automated procedures that do not require operator intervention during the analytic process
Test System, Assay or Examination:
EM Diagnostic Systems EPOS
Roche Cobas Mira Plus

Analyte: Quinidine

Category: Automated procedures that do not require operator intervention during the analytic process
Test System, Assay or Examination:
EM Diagnostic Systems EASY PLUS
EM Diagnostic Systems EASY ST
EM Diagnostic Systems EPOS
Roche Cobas Bio FP
Roche Cobas Mira Plus

Analyte: Salicylates

Category: Automated procedures that do not require operator intervention during the analytic process
Test System, Assay or Examination:
Abbott Spectrum
Boehringer Mannheim Hitachi 704
Ciba Corning 550 Express
Coulter Dacos
Du Pont Dimension ES
EM Diagnostic Systems EASY PLUS
EM Diagnostic Systems EASY ST
Instrumentation Laboratory IL Monarch
Roche Cobas Bio FP
Roche Cobas FARA
Roche Cobas FARA II
Roche Cobas Mira
Roche Cobas Mira Plus
Roche Cobas Mira S
Technicon AXON
Technicon RA 1000
Technicon RA 500
Category: Manual or semi-automated procedures with limited steps and with limited sample or reagent preparation
Test System, Assay or Examination:
Sclavo Uni-Fast System Analyzer
Sclavo Uni-Fast2 System Analyzer

Analyte: Theophylline

Category: Automated procedures that do not require operator intervention during the analytic process
Test System, Assay or Examination:
Coulter Dacos
Du Pont Analyst
Du Pont Dimension ES
EM Diagnostic Systems EASY PLUS
EM Diagnostic Systems EASY ST
EM Diagnostic Systems EPOS
Kodak Ektachem 250
Roche Cobas Bio FP
Roche Cobas Mira Plus
Technicon Immuno 1 System
Category: Manual or semi-automated procedures with limited steps and with limited sample or reagent preparation
Test System, Assay or Examination:
Syntex Medical Diagnostics AccuLevel

Analyte: Tobramycin

Category: Automated procedures that do not require operator intervention during the analytic process
Test System, Assay or Examination:
EM Diagnostic Systems EPOS
PB Diagnostic Systems OPUS
Roche Cobas Bio FP
Roche Cobas Mira Plus
Technicon Immuno 1 System

Analyte: Valproic Acid

Category: Automated procedures that do not require operator intervention during the analytic process
Test System, Assay or Examination:
EM Diagnostic Systems EPOS

Analyte: Vancomycin

Category: Automated procedures that do not require operator intervention during the analytic process
Test System, Assay or Examination:
Roche Cobas Bio FP
Speciality/Subspeciality: Urinalysis

Analyte: Urine Qualitative Dipstick Chemistries

Category: Automated procedures that do not require operator intervention during the analytic process
Test System, Assay or Examination:
Ames Clini-tek Reflectance Photometer

Ames Clinitek Auto 2000
Speciality/Subspeciality: Virology

Analyte: Respiratory viruses (Influenza A&B, parainfluenza)

Category: Manual or semi-automated procedures with limited steps and with limited sample or reagent preparation
Test System, Assay or Examination:
Becton Dickinson QTest Influenza A (direct antigen/visual)

Analyte: Rotavirus

Category: Manual or semi-automated procedures with limited steps and with limited sample or reagent preparation
Test System, Assay or Examination:
Isolab RotaStat LA Slide Test (direct Ag/visual)
Complexity: HIGH
Speciality/Subspeciality: Bacteriology

Analyte: Aerobic &/or Anaerobic Organisms—unlimited sources

Category: Automated or semi-automated procedures that do require operator intervention during the analytic process
Test System, Assay or Examination:
Analytab API ALADIN (including culture)
Becton Dickinson Sceptor System (including culture)
Vitek Systems VITEK
Category: Manual procedures with multiple steps in sample/reagent preparation or analytic process
Test System, Assay or Examination:
BioClinical Systems Bullseye OB/GYN Plate (incl. culture)
BioClinical Systems UniSystem Bio-General (incl. culture)
Organism ID & Antimicro. Susceptibil. Testing from Culture
Troy Biologicals Bacti-Bio General Plate (incl. culture)
Troy Biologicals Bacti-Star II Vaginal Plate (incl culture)
Troy Biologicals Bacti-Star Vaginal Plate (incl. culture)
Troy Biologicals Bacti-Vaginal Plate (including culture)

Analyte: Aerobic Organisms from throat specimens only

Category: Manual procedures with multiple steps in sample/reagent preparation or analytic process
Test System, Assay or Examination:
Troy Biologicals Bacti Strep Screen Plus (incl. culture)
Troy Biologicals Bacti-Star II Throat Plate (incl. culture)
Troy Biologicals Bacti-Star Throat Plate (incl. culture)
Troy Biologicals Bacti-Throat Plate (including culture)

Analyte: Aerobic/Anaerobic Organisms—Other Than Urethral

Category: Microscopic evaluation and/or enumeration of cells, formed elements, or microorganisms in stained preparations
Test System, Assay or Examination:
All Gram Stain Procedures—Sources other than Urethral

Analyte: Bordetella pertussis/parapertussis

Category: Test kits requiring microscopic evaluations
Test System, Assay or Examination:
Difco FA Bordetella Pertussis/Parapertussis (direct Ag.)
Difco FA Bordetella Pertussis/Parapertussis (inc. culture)

Analyte: Campylobacter

Category: Manual procedures with multiple steps in sample/reagent preparation or analytic process
Test System, Assay or Examination:
Gen-Probe AccuProbe (including culture)

Analyte: Chlamydia

Category: Automated or semi-automated procedures that do require operator intervention during the analytic process
Test System, Assay or Examination:
Abbott COMMANDER System
Vitek Systems Vidas (direct antigen)
Category: Manual procedures with multiple steps in sample/reagent preparation or analytic process
Test System, Assay or Examination:
ADI Visuwell Chlamydia (direct antigen/visual)
Abbott Chlamydiazyme (with blocking reagent)
All Organism Identification from Cell Culture
Analytab API IDEIA (direct antigen/spectrophotometric)
Analytab API IDEIA (direct antigen/visual)
Ciba Corning Magic Lite Chlamydia (with blocking reagent)
Gen-Probe Pace2 (direct antigen)
Sigma SIA Chlymydia (dir. Ag/spectrophotometric)
Category: Test kits requiring microscopic evaluations
Test System, Assay or Examination:
Diagnostic Products Corp. PDx Chlamydia Cult. Conf. (inc. cul.)
Diagnostic Technology Chalamydia-Check Sys. (inc. culture)
Diagnostic Technology Chalamydia-Check System (direct Ag)

Analyte: Clostridium Difficile

Category: Automated or semi-automated procedures that do require operator intervention during the analytic process
Test System, Assay or Examination:
Vitek Systems Vidas (direct antigen)
Category: Manual procedures with multiple steps in sample/reagent preparation or analytic process
Test System, Assay or Examination:
Analytab C. difficile A+B ELISA Test Kit (direct antigen)
Meridian Premier C. difficile Toxin A (dir Ag/spectrophoto)
Meridian Premier C. difficile Toxin A (dir Ag/visual)

Analyte: Enterococcus

Category: Manual procedures with multiple steps in sample/reagent preparation or analytic process
Test System, Assay or Examination:
Gen-Probe AccuProbe (including culture)

Analyte: Escherichia Coli

Category: Manual procedures with multiple steps in sample/reagent preparation or analytic process
Test System, Assay or Examination:
Becton Dickinson BBL Eschericia coli (including culture)
Difco Bacto E. coli H H7 (including culture)
Difco Bacto E. coli O 0157 (including culture)
Difco Bacto E. coli O (including culture)
Difco Bacto E. coli OK (including culture)
Roach Laboratories E. coli OK

Analyte: Haemophilus Influenzae

Category: Manual procedures with multiple steps in sample/reagent preparation or analytic process
Test System, Assay or Examination:
Gen-Probe AccuProbe (including culture)

Analyte: Haemophilus Influenzae, Type a, c-f

Category: Test kits requiring microscopic evaluations
Test System, Assay or Examination:
Difco FA H. influenzae Types A-F (direct antigen)

Analyte: Haemophilus Influenzae, Type b

Category: Manual procedures with multiple steps in sample/reagent preparation or analytic process
Test System, Assay or Examination:
Becton Dickinson Dir. Meningitis Combo Kit (bld cult supern)
Becton Dickinson Dir. Meningitis Indiv. Kit (bld cult supern)
Wampole Bactigen H. influenzae type b (bld cult. supernat)

Wampole Bactigen Meningitis Panel (bld culture supernatant)
Wellcome Wellcogen Bacterial Ag Kit (bld culture supernate)
Category: Test kits requiring microscopic evaluations
Test System, Assay or Examination:
Difco FA H. influenzae Types A-F (direct antigen)

Analyte: Legionella

Category: Manual procedures with multiple steps in sample/reagent preparation or analytic process
Test System, Assay or Examination:
Gen-Probe Legionella Rapid Diag. System (direct antigen)
Gen-Probe Legionella Rapid Diag. System (including culture)
Pro-Lab Legionella Latex Ag (including culture)
Category: Test kits requiring microscopic evaluations
Test System, Assay or Examination:
MarDx Legionella DFA (direct antigen)
MarDx Legionella DFA (including culture)
Meridian Diagnostics MERIFLUOR Legionella (direct antigen)
Meridian Diagnostics MERIFLUOR Legionella (inc. culture)
Organon Teknika Legionella DFA Kit I (direct antigen)
Organon Teknika Legionella DFA Kit I (including culture)
Remel Legionella Poly-ID Test Kit (direct antigen)
Remel Legionella Poly-ID Test Kit (including culture)

Analyte: Listeria Monocytogenes

Category: Manual procedures with multiple steps in sample/reagent preparation or analytic process
Test System, Assay or Examination:
Gen-Probe AccuProbe (including culture)

Analyte: Mycoplasma Pneumonia

Category: Manual procedures with multiple steps in sample/reagent preparation or analytic process
Test System, Assay or Examination:
Gen-Probe M. pneumoniae Rapid Diag. System (direct antigen)
Gen-Probe M. pneumoniae Rapid Diag. System (inc. culture)

Analyte: Neisseria Gonorrhoeae

Category: Manual procedures with multiple steps in sample/reagent preparation or analytic process
Test System, Assay or Examination:
Adams Scientific Selecticult-GC (including culture)
BioClinical Systems Gonopen Screen (including culture)
Gen-Probe AccuProbe (including culture)
Troy Biologicals Bacti Gono Screen I (including culture)
Troy Biologicals Bacti Gono Screen II (including culture)
Category: Test kits requiring microscopic evaluations
Test System, Assay or Examination:
Difco FA N. gonorrhoeae (including culture)
Syva MicroTrak N. gonorrhoeae Cult. Cofirm. (incl. culture)

Analyte: Neisseria Meningitidis (Non-Specific)

Category: Test kits requiring microscopic evaluations
Test System, Assay or Examination:
Difco FA Meningococcus Poly (direct antigen)

Analyte: Neisseria Meningitidis, Group A

Category: Manual procedures with multiple steps in sample/reagent preparation or analytic process
Test System, Assay or Examination:
Becton Dickinson Dir. Meningitis Combo Kit (bld cult supern)
Becton Dickinson Meningitidis Test (bld culture supernate)
Wampole Bactigen Meningitis Panel (bld culture supernatant)
Wellcome Wellcogen Bacterial Ag Kit (bld culture supernate)

Analyte: Neisseria Meningitidis, Group B

Category: Manual procedures with multiple steps in sample/reagent preparation or analytic process
Test System, Assay or Examination:
Wampole Bactigen Meningitis Panel (bld culture supernatant)

Analyte: Neisseria Meningitidis, Group B and E. coli K1

Category: Manual procedures with multiple steps in sample/reagent preparation or analytic process
Test System, Assay or Examination:
Becton Dickinson Dir. Meningitis Combo Kit (bld cult supern)
Becton Dickinson Dir. Meningitis Indiv. Kit (bld cult supern)
Wellcome Wellcogen Bacterial Ag Kit (bld culture supernate)
Wellcome Wellcogen Bacterial Ag Kit (including culture)

Analyte: Neisseria Meningitidis, Group C

Category: Manual procedures with multiple steps in sample/reagent preparation or analytic process
Test System, Assay or Examination:
Becton Dickinson Dir. Meningitis Combo Kit (bld cult supern)
Becton Dickinson Meningitidis Test (bld culture supernate)
Wampole Bactigen Meningitis Panel (bld culture supernatant)
Wellcome Wellcogen Bacterial Ag Kit (bld culture supernate)

Analyte: Neisseria Meningitidis, Group W135

Category: Manual procedures with multiple steps in sample/reagent preparation or analytic process
Test System, Assay or Examination:
Becton Dickinson Dir. Meningitis Combo Kit (bld cult supern)
Becton Dickinson Meningitidis Test (bld culture supernate)
Wampole Bactigen Meningitis Panel (bld culture supernatant)
Wellcome Wellcogen Bacterial Ag Kit (bld culture supernate)

Analyte: Neisseria Meningitidis, Group Y

Category: Manual procedures with multiple steps in sample/reagent preparation or analytic process
Test System, Assay or Examination:
Becton Dickinson Dir. Meningitis Combo Kit (bld cult supern)
Becton Dickinson Meningitidis Test (bld culture supernate)
Wampole Bactigen Meningitis Panel (bld culture supernatant)
Wellcome Wellcogen Bacterial Ag Kit (bld culture supernate)

Analyte: Salmonella

Category: Manual procedures with multiple steps in sample/reagent preparation or analytic process
Test System, Assay or Examination:
Becton Dickinson BBL Salmonella Grouping (incl. culture)
Difco Bacto Salmonella H (including culture)
Difco Bacto Salmonella O (including culture)
Roach Laboratories Salmonella Flagellar (H) (inc. culture)
Roach Laboratories Salmonella Somatic & Vi (inc. culture)
Wampole Bactigen Salmonella Shigella (including culture)
Category: Test kits requiring microscopic evaluations
Test System, Assay or Examination:
Difco FA Salmonella Panvalent (including culture broth)
Difco FA Salmonella Poly (including culture broth)

Analyte: Shigella

Category: Manual procedures with multiple steps in sample/reagent preparation or analytic process
Test System, Assay or Examination:
Becton Dickinson BBL Shigella Grouping (including culture)

Difco Bacto Shigella (including culture)
Roach Laboratories Shigella Grouping & Typing (inc. cult.)
Wampole Bactigen Salmonella-Shigella (including culture)

Analyte: Staphylococcus

Category: Manual procedures with multiple steps in sample/reagent preparation or analytic process
Test System, Assay or Examination:
Gen-Probe AccuProbe (including culture)

Analyte: Streptococcus Pneumoniae

Category: Manual procedures with multiple steps in sample/reagent preparation or analytic process
Test System, Assay or Examination:
Becton Dickinson Dir. Meningitis Combo Kit (bld cult supern)
Becton Dickinson Dir. Meningitis Indiv. Kit (bld cult supern)
Gen-Probe AccuProbe (including culture)
Wampole Bactigen Meningitis Panel (bld culture supernatant)
Category: Test kits requiring microscopic evaluations
Test System, Assay or Examination:
Difco FA Pneumococcus Poly (direct antigen)

Analyte: Streptococcus, Group A

Category: Manual procedures with multiple steps in sample/reagent preparation or analytic process
Test System, Assay or Examination:
Adams Scientific Selecticult-Strep (including culture)
Becton Dickinson Culturette GrpA Strep (including culture)
BioClinical Systems Strep Screen Kit (including culture)
Difco Bacto Strep Grouping Kit (including culture)
Gen-Probe AccuProbe (including culture)
Leeco Diagnostics Preview Strep A (including culture)
Medical Technology Corp. Optitec Strep A (including culture)
Meridian Diagnostics Meritec-Strep Group A (incl. culture)
NCS StrepSlide (including culture)
Troy Biologicals Bacti Strep Screen (including culture)
Vitek Systems Slidex Strepto A (including culture)
Vitek Systems Slidex Strepto-Kit (including culture)
Category: Test kits requiring microscopic evaluations
Test System, Assay or Examination:
Difco FA Streptococcus Groups (including culture)

Analyte: Streptococcus, Group B

Category: Manual procedures with multiple steps in sample/reagent preparation or analytic process
Test System, Assay or Examination:
Becton Dickinson Dir. Meningitis Combo Kit (bld cult supern)
Becton Dickinson Dir. Meningitis Indiv. Kit (bld cult supern)
Difco Bacto Strep Grouping Kit (including culture)
Gen-Probe AccuProbe (including culture)
Hybritech Icon Strep B (including culture)
Meridian Diagnostics Meritec-Strep Group B (incl. culture)
NCS StrepSlide (including culture)
Vitek Systems Slidex Strepto B (including culture)
Vitek Systems Slidex Strepto-Kit (including culture)
Wampole Bactigen Group B Strep (blood culture supernatant)
Wellcome Wellcogen Bacterial Ag Kit (bld culture supernate)
Category: Test kits requiring microscopic evaluations
Test System, Assay or Examination:
Difco FA Streptococcus Groups (including culture)

Analyte: Streptococcus, Group C

Category: Manual procedures with multiple steps in sample/reagent preparation or analytic process
Test System, Assay or Examination:
Becton Dickinson BBL Strep Grouping Reagents (incl culture)
Difco Bacto Strep Grouping Kit (including culture)
NCS StrepSlide (including culture)
Vitek Systems Slidex Strepto-Kit (including culture)
Category: Test kits requiring microscopic evaluations
Test System, Assay or Examination:
Difco FA Streptococcus Groups (including culture)

Analyte: Streptococcus, Group D

Category: Manual procedures with multiple steps in sample/reagent preparation or analytic process
Test System, Assay or Examination:
Difco Bacto Strep Grouping Kit (including culture)
NCS StrepSlide (including culture)
Vitek Systems Slidex Strepto-Kit (including culture)
Category: Test kits requiring microscopic evaluations
Test System, Assay or Examination:
Difco FA Streptococcus Groups (including culture)

Analyte: Streptococcus, Group F

Category: Manual procedures with multiple steps in sample/reagent preparation or analytic process
Test System, Assay or Examination:
Becton Dickinson BBL Strep Grouping Reagents (incl culture)
Difco Bacto Strep Grouping Kit (including culture)
NCS StrepSlide (including culture)
Vitek Systems Slidex Strepto-Kit (including culture)
Category: Test kits requiring microscopic evaluations
Test System, Assay or Examination:
Difco FA Streptococcus Groups (including culture)

Analyte: Streptococcus, Group G

Category: Manual procedures with multiple steps in sample/reagent preparation or analytic process
Test System, Assay or Examination:
Becton Dickinson BBL Strep Grouping Reagents (incl culture)
Difco Bacto Strep Grouping Kit (including culture)
NCS StrepSlide (including culture)
Vitek Systems Slidex Strepto-Kit (including culture)
Category: Test kits requiring microscopic evaluations
Test System, Assay or Examination:
Difco FA Streptococcus Groups (including culture)

Analyte: Yersinia Enterocolitica

Category: Manual procedures with multiple steps in sample/reagent preparation or analytic process
Test System, Assay or Examination:
Bio-Medical ANI Yersinia Test (including culture)
Speciality/Subspeciality: General Chemistry

Analyte: 1,25-Dihydroxyvitamin D (1,25-(OH)2D)

Category: Manual procedures with multiple steps in sample/reagent preparation or analytic process
Test System, Assay or Examination:
Nichols Institute 1,25-Dihydroxyvitamin D Assay Kit

Analyte: 5'Nucleotidase

Category: Automated or semi-automated procedures that do require operator intervention during the analytic process
Test System, Assay or Examination:
Instrumentation Laboratory Multistat III
Instrumentation Laboratory Multistat III Plus

Analyte: Acid Phosphatase

Category: Manual procedures with multiple steps in sample/reagent preparation or analytic process
Test System, Assay or Examination:
DMA Test Kit
Meditech Diagnostic System Test Kit
Pointe Scientific 180 Chemistry Analyzer
Reagents Applications RAICHEM Test Kit
Stanbio Test Kit
TRACE Scientific Test Kit

Analyte: Adenosine Monophosphate, Cyclic (cAMP)

Category: Manual procedures with multiple steps in sample/reagent preparation or analytic process
Test System, Assay or Examination:
Du Pont RIANEN RIA Kit

Analyte: Adrenocorticotropic Hormone (ACTH)

Category: Manual procedures with multiple steps in sample/reagent preparation or analytic process
Test System, Assay or Examination:
Nichols Institute Allegro (RIA)
Nichols Institute RIA Kit

Analyte: Alanine Aminotransferase (ALT) (SGPT)

Category: Automated or semi-automated procedures that do require operator intervention during the analytic process
Test System, Assay or Examination:
Instrumentation Laboratory Multistat III
Instrumentation Laboratory Multistat III Plus
Technicon SMAC 2
Technicon SMAC 3
Category: Manual procedures with multiple steps in sample/reagent preparation or analytic process
Test System, Assay or Examination:
DMA Test Kit
Mallinckrodt Serometer 370
Medical Analysis Systems RefLab Manual Test Procedure
Meditech Diagnostic System Test Kit
Pointe Scientific 180 Chemistry Analyzer
Reagents Applications RAICHEM Test Kit
Seradyn Manual (spectrophoto/colorimetric) Determination
Seragen StatEase
SmithKline Diagnostics ESKALAB-CCS
Stanbio Premiere
Stanbio Test Kit
TRACE Scientific Test Kit
Wako Autokit

Analyte: Albumin

Category: Automated or semi-automated procedures that do require operator intervention during the analytic process
Test System, Assay or Examination:
Instrumentation Laboratory Multistat III
Instrumentation Laboratory Multistat III Plus
Technicon SMAC 2
Technicon SMAC 3
Category: Manual procedures with multiple steps in sample/reagent preparation or analytic process
Test System, Assay or Examination:
DMA Test Kit
Mallinckrodt Serometer 370
Medical Analysis Systems Manual Test Procedure
Meditech Diagnostic System Test Kit
Pointe Scientific 180 Chemistry Analyzer
Reagents Applications RAICHEM Test Kit
SmithKline Diagnostics ESKALAB-CCS
Stanbio Premiere
Stanbio Test Kit
TRACE Scientific Test Kit
Wako Autokit

Analyte: Albumin, Glycated

Category: Manual procedures with multiple steps in sample/reagent preparation or analytic process
Test System, Assay or Examination:
Isolab Glyc-Affin GA

Analyte: Aldolase

Category: Automated or semi-automated procedures that do require operator intervention during the analytic process
Test System, Assay or Examination:
Instrumentation Laboratory Multistat III
Instrumentation Laboratory Multistat III Plus
Category: Manual procedures with multiple steps in sample/reagent preparation or analytic process
Test System, Assay or Examination:
Behring Stat-Pack Aldolase Test

Analyte: Alkaline Phosphatase (ALP)

Category: Automated or semi-automated procedures that do require operator intervention during the analytic process
Test System, Assay or Examination:
Instrumentation Laboratory Multistat III
Instrumentation Laboratory Multistat III Plus
Technicon SMAC 2
Technicon SMAC 3
Category: Manual procedures with multiple steps in sample/reagent preparation or analytic process
Test System, Assay or Examination:
DMA Test Kit
Mallinckrodt Serometer 370
Medical Analysis Systems RefLab Manual Test Procedure
Meditech Diagnostic System Test Kit
Pointe Scientific 180 Chemistry Analyzer
Reagents Applications RAICHEM Test Kit
SmithKline Diagnostics ESKALAB-CCS
Stanbio Premiere
Stanbio Test Kit
TRACE Scientific Test Kit
Wako Autokit

Analyte: Alkaline Phosphatase Isoenzymes

Category: Electrophoretic separations
Test System, Assay or Examination:
Helena Laboratories Alk. Phosphatase Isoenzyme Procedure
Helena Laboratories Titan Gel Alkaline Phosphatase (HR)
Isolab Resolve-ALP

Analyte: Alpha-Fetoprotein—Maternal Serum

Category: Automated or semi-automated procedures that do require operator intervention during the analytic process
Test System, Assay or Examination:
Abbott COMMANDER System
Abbott IMX

Analyte: Alpha-Hydroxybutyrate Dehydrogenase (HBDH)

Category: Automated or semi-automated procedures that do require operator intervention during the analytic process
Test System, Assay or Examination:
Instrumentation Laboratory Multistat III
Instrumentation Laboratory Multistat III Plus
Category: Manual procedures with multiple steps in sample/reagent preparation or analytic process
Test System, Assay or Examination:
Medical Analysis Systems Manual Test Procedure
Reagents Applications RAICHEM Test Kit

Analyte: Ammonia

Category: Automated or semi-automated procedures that do require operator intervention during the analytic process
Test System, Assay or Examination:
Instrumentation Laboratory Multistat III
Instrumentation Laboratory Multistat III Plus
Category: Manual procedures with multiple steps in sample/reagent preparation or analytic process

Test System, Assay or Examination:
Reagents Applications RAICHEM Test Kit
Wako Ammonia Test Kit

Analyte: Amylase

Category: Automated or semi-automated procedures that do require operator intervention during the analytic process
Test System, Assay or Examination:
Instrumentation Laboratory Multistat III
Instrumentation Laboratory Multistat III Plus
Category: Manual procedures with multiple steps in sample/reagent preparation or analytic process
Test System, Assay or Examination:
Behring Pantrak Amylase Test
DMA Test Kit
Mallinckrodt Serometer 370
Medical Analysis Systems RefLab Manual Test Procedure
Meditech Diagnostic System Test Kit
Pointe Scientific 180 Chemistry Analyzer
Reagents Applications RAICHEM Test Kit
SmithKline Diagnostics ESKALAB-CCS
Stanbio Premiere
Stanbio Test Kit
TRACE Scientific Test Kit

Analyte: Angiotensin I

Category: Manual procedures with multiple steps in sample/reagent preparation or analytic process
Test System, Assay or Examination:
Du Pont RIANEN RIA Kit

Analyte: Apolipoprotein A1

Category: Manual procedures with multiple steps in sample/reagent preparation or analytic process
Test System, Assay or Examination:
Isolab Immunoturbidimetric Assay
Medical Analysis Systems RefLab Manual Test Procedure
Reagents Applications RAICHEM SPIA Test Kit

Analyte: Apolipoprotein B

Category: Automated or semi-automated procedures that do require operator intervention during the analytic process
Test System, Assay or Examination:
Instrumentation Laboratory Multistat III
Instrumentation Laboratory Multistat III Plus
Category: Manual procedures with multiple steps in sample/reagent preparation or analytic process
Test System, Assay or Examination:
Isolab Immunoturbidimetric Assay
Medical Analysis Systems RefLab Manual Test Procedure
Reagents Applications RAICHEM SPIA Test Kit

Analyte: Asparate Aminotransferase (AST) (SGOT)

Category: Automated or semi-automated procedures that do require operator intervention during the analytic process
Test System, Assay or Examination:
Instrumentation Laboratory Multistat III
Instrumentation Laboratory Multistat III Plus
Technicon SMAC 2
Technicon SMAC 3
Category: Manual procedures with multiple steps in sample/reagent preparation or analytic process
Test System, Assay or Examination:
DMA Test Kit
Mallinckrodt Serometer 370
Medical Analysis Systems RefLab Manual Test Procedure
Meditech Diagnostic System Test Kit
Pointe Scientific 180 Chemistry Analyzer
Reagents Applications RAICHEM Test Kit
Seradyn Manual (spectrophoto/colorimetric) Determination
Seragen StatEase
SmithKline Diagnostics ESKALAB-CCS
Stanbio Premiere
Stanbio Test Kit
TRACE Scientific Test Kit
Wako Autokit

Analyte: Beta-Hydroxybutyrate

Category: Manual procedures with multiple steps in sample/reagent preparation or analytic process
Test System, Assay or Examination:
GDS Diagnostics Enzymatic Test Kit

Analyte: Bilirubin, Direct

Category: Automated or semi-automated procedures that do require operator intervention during the analytic process
Test System, Assay or Examination:
Instrumentation Laboratory Multistat III
Instrumentation Laboratory Multistat III Plus
Technicon SMAC 2
Technicon SMAC 3
Category: Manual procedures with multiple steps in sample/reagent preparation or analytic process
Test System, Assay or Examination:
DMA Test Kit
Mallinckrodt Serometer 370
Medical Analysis Systems Manual Test Procedure
Meditech Diagnostic System Test Kit
Pointe Scientific 180 Chemistry Analyzer
Reagents Applications RAICHEM Test Kit
Seragen StatEase
SmithKline Diagnostics ESKALAB-CCS
Stanbio Premiere
Stanbio Test Kit
TRACE Scientific Test Kit

Analyte: Bilirubin, Neonatal

Category: Manual procedures with multiple steps in sample/reagent preparation or analytic process
Test System, Assay or Examination:
Seradyn Quick-Chem II

Analyte: Bilirubin, Total

Category: Automated or semi-automated procedures that do require operator intervention during the analytic process
Test System, Assay or Examination:
Instrumentation Laboratory Multistat III
Instrumentation Laboratory Multistat III Plus
Technicon SMAC 2
Technicon SMAC 3
Category: Manual procedures with multiple steps in sample/reagent preparation or analytic process
Test System, Assay or Examination:
DMA Test Kit
Mallinckrodt Serometer 370
Medical Analysis Systems RefLab Manual Test Procedure
Meditech Diagnostic System Test Kit
Pointe Scientific 180 Chemistry Analyzer
Reagents Applications RAICHEM Test Kit
Seradyn Manual (spectrophoto/colorimetric) Determination
Seradyn Quick-Chem II
Seragen Quick-Chem
Seragen StatEase
SmithKline Diagnostics ESKALAB-CCS
Stanbio Premiere
Stanbio Test Kit
TRACE Scientific Test Kit

Analyte: C1-Esterase Inhibitor (C1INH)

Category: Manual procedures with multiple steps in sample/reagent preparation or analytic process
Test System, Assay or Examination:
Nyegaard Nycotest C1-Esterase Inhibitor

Analyte: Calcitonin

Category: Manual procedures with multiple steps in sample/reagent preparation or analytic process
Test System, Assay or Examination:
Nichols Institute RIA Kit

Analyte: Calcium, Total

Category: Automated or semi-automated procedures that do require operator intervention during the analytic process
Test System, Assay or Examination:
Instrumentation Laboratory IL 504
Instrumentation Laboratory IL 508
Instrumentation Laboratory Multistat III
Instrumentation Laboratory Multistat III Plus
Technicon SMAC 2
Technicon SMAC 3
Category: Manual procedures with multiple steps in sample/reagent preparation or analytic process
Test System, Assay or Examination:
DMA Test Kit
Mallinckrodt Serometer 370
Medical Analysis Systems RefLab Manual Test Procedure
Meditech Diagnostic System Test Kit
Pointe Scientific 180 Chemistry Analyzer
Reagents Applications RAICHEM Test Kit
Seradyn Manual (spectrophoto/colorimetric) Determination
Seradyn Quick-Chem II
Seragen Quick-Chem
Sherwood Medical Rapid Stat Diagnostic Kit
SmithKline Diagnostics ESKALAB–CCS
Stanbio Premiere
Stanbio Test Kit
TRACE Scientific Test Kit
Wako Calcium C Test Kit

Analyte: Carbon Dioxide, total (CO_2)

Category: Automated or semi-automated procedures that do require operator intervention during the analytic process
Test System, Assay or Examination:
Instrumentation Laboratory IL 508
Instrumentation Laboratory Multistat III
Instrumentation Laboratory Multistat III Plus
Technicon SMAC 2
Technicon SMAC 3
Category: Manual procedures with multiple steps in sample/reagent preparation or analytic process
Test System, Assay or Examination:
DMA Test Kit
Medical Analysis Systems Manual Test Procedure
Pointe Scientific 180 Chemistry Analyzer
Reagents Applications RAICHEM Test Kit
Stanbio Test Kit
TRACE Scientific Test Kit

Analyte: Catecholamines, Plasma

Category: Automated or semi-automated procedures that do require operator intervention during the analytic process
Test System, Assay or Examination:
Bio-Rad HPLC
Category: Manual procedures with multiple steps in sample/reagent preparation or analytic process
Test System, Assay or Examination:
Bioanalytical System BAS 482
Bioanalytical Systems BAS 200A
Bioanalytical Systems BAS 480
Bioanalytical Systems BAS 481

Analyte: Catecholamines, Urine

Category: Automated or semi-automated procedures that do require operator intervention during the analytic process
Test System, Assay or Examination:
Bio-Rad HPLC

Analyte: Cerebrospinal Fluid Protein (CSF)

Category: Manual procedures with multiple steps in sample/reagent preparation or analytic process
Test System, Assay or Examination:
Bio-Rad Test Kit
DMA Test Kit
Stanbio Test Kit

Analyte: Cerebrospinal Fluid Protein Fractions

Category: Electrophoretic separations
Test System, Assay or Examination:
Isolab Resolve-CSF

Analyte: Chloride

Category: Automated or semi-automated procedures that do require operator intervention during the analytic process
Test System, Assay or Examination:
Instrumentation Laboratory IL 508
Instrumentation Laboratory Multistat III
Instrumentation Laboratory Multistat III Plus
Technicon SMAC 2
Technicon SMAC 3
Category: Manual procedures with multiple steps in sample/reagent preparation or analytic process
Test System, Assay or Examination:
DMA Test Kit
Mallinckrodt Serometer 370
Medical Analysis Systems RefLab Manual Test Procedure
Meditech Diagnostic System Test Kit
Pointe Scientific 180 Chemistry Analyzer
Reagents Applications RAICHEM Test Kit
SmithKline Diagnostics ESKALAB–CCS
Stanbio Premiere
Stanbio Test Kit
TRACE Scientific Test Kit

Analyte: Chloride, Sweat (Cystic Fibrosis Sweat Test)

Category: Automated or semi-automated procedures that do require operator intervention during the analytic process
Test System, Assay or Examination:
Orion Model 417 Skin Chloride System
Wescor 3100 Sweat Chek Sweat Conductivity Analyzer

Analyte: Cholesterol

Category: Automated or semi-automated procedures that do require operator intervention during the analytic process
Test System, Assay or Examination:
Instrumentation Laboratory Multistat III
Instrumentation Laboratory Multistat III Plus
Technicon SMAC 2
Technicon SMAC 3
Category: Manual procedures with multiple steps in sample/reagent preparation or analytic process
Test System, Assay or Examination:
DMA Test Kit
Mallinckrodt Serometer 370
Medical Analysis Systems RefLab Manual Test Procedure
Meditech Diagnostic System Test Kit
Pointe Scientific 180 Chemistry Analyzer
Reagents Applications RAICHEM Test Kit
Seradyn Manual (spectrophoto/colorimetric) Determination
Seradyn Quick-Chem II
Seragen Quick-Chem
Seragen StatEase
Sherwood Medical Auto/Stat Kit
SmithKline Diagnostics ESKALAB–CCS
Stanbio Premiere
Stanbio Test Kit
TRACE Scientific Test Kit
Wako Autokit Cholesterol COD–MEHA Method
Wako Cholesterol CII Assay Kit

Analyte: Cholinesterase

Category: Automated or semi-automated procedures that do require operator intervention during the analytic process
Test System, Assay or Examination:
Instrumentation Laboratory Multistat III
Instrumentation Laboratory Multistat III Plus
Category: Manual procedures with multiple steps in sample/reagent preparation or analytic process

Test System, Assay or Examination:
Reagents Applications RAICHEM Test Kit

Analyte: Cholyglycine

Category: Automated or semi-automated procedures that do require operator intervention during the analytic process
Test System, Assay or Examination:
Instrumentation Laboratory Multistat III
Instrumentation Laboratory Multistat III Plus
Category: Manual procedures with multiple steps in sample/reagent preparation or analytic process
Test System, Assay or Examination:
Immunotech ENDAB EIA Kit

Analyte: Cortisol

Category: Automated or semi-automated procedures that do require operator intervention during the analytic process
Test System, Assay or Examination:
Bio-Chem Laboratory Systems ATAC 2100
Category: Manual procedures with multiple steps in sample/reagent preparation or analytic process
Test System, Assay or Examination:
Biomerica EIA Test Kit
Immunotech ENDAB EIA Kit

Analyte: Creatine Kinase (CK)

Category: Automated or semi-automated procedures that do require operator intervention during the analytic process
Test System, Assay or Examination:
Instrumentation Laboratory Multistat III
Instrumentation Laboratory Multistat III Plus
Technicon SMAC 2
Technicon SMAC 3
Category: Manual procedures with multiple steps in sample/reagent preparation or analytic process
Test System, Assay or Examination:
DMA Test Kit
Mallinckrodt Serometer 370
Medical Analysis Systems RefLab Manual Test Procedure
Meditech Diagnostic System Test Kit
Pointe Scientific 180 Chemistry Analyzer
Reagents Applications RAICHEM Test Kit
Seradyn CK-UV Determination
Seragen StatEase
Stanbio Test Kit
TRACE Scientific Test Kit
Wako Autokit

Analyte: Creatine Kinase BB Fraction (CKBB)

Category: Manual procedures with multiple steps in sample/reagent preparation or analytic process
Test System, Assay or Examination:
Biomerica RIA Test Kit
International Immunoassay Labs ABURIA-CK RIA Kit

Analyte: Creatine Kinase Isoenzymes (CK Isoenzymes)

Category: Electrophoretic separations
Test System, Assay or Examination:
Helena Laboratories CK Isoforms Procedure
Helena Laboratories CPK Isoenzyme Electrophoresis
Helena Laboratories CPK-US Isoenzyme Electrophoresis
Helena Laboratories REP CK Isoenzyme Procedure
Helena Laboratories REP CK Stat Isoenzyme Procedure
Helena Laboratories REP CK/LD Isoenzyme Combo Method
Helena Laboratories Titan Gel CK Isoenzyme Procedure
Helena Laboratories Titan Gel Iso-Dot CK (Black)
Helena Laboratories Titan Gel-PC CK Isoenzyme Procedure

Analyte: Creatine Kinase MB Fraction (CKMB)

Category: Automated or semi-automated procedures that do require operator intervention during the analytic process
Test System, Assay or Examination:
Instrumentation Laboratory Multistat III
Instrumentation Laboratory Multistat III Plus
Category: Manual procedures with multiple steps in sample/reagent preparation or analytic process
Test System, Assay or Examination:
DMA Test Kit
International Immunoassay Labs ABURIA-CK RIA Kit
International Immunoassay Labs CARDIA-CK
International Immunoassay Labs EMBRIA-CK IRMA Kit
International Immunoassay Labs IMACK-MB Test Kit
International Immunoassay Labs IMpres-MB
International Immunoassay Labs IMpres-MB-X
International Immunoassay Labs MicroMI-MB Test Kit
International Immunoassay Labs QuiCK-MB IRMA Kit
Reagents Applications RAICHEM Test Kit
Seradyn CK-MB Immuno UV Determination

Analyte: Creatine Kinase MM Fraction (CKMM)

Category: Manual procedures with multiple steps in sample/reagent preparation or analytic process
Test System, Assay or Examination:
International Immunoassay Labs CheCK-MM
International Immunoassay Labs ISOFOR-MM

Analyte: Creatinine

Category: Automated or semi-automated procedures that do require operator intervention during the analytic process
Test System, Assay or Examination:
Instrumentation Laboratory IL 504
Instrumentation Laboratory IL 508
Instrumentation Laboratory Multistat III
Instrumentation Laboratory Multistat III Plus
Technicon SMAC 2
Technicon SMAC 3
Category: Manual procedures with multiple steps in sample/reagent preparation or analytic process
Test System, Assay or Examination:
DMA Test Kit
Mallinckrodt Serometer 370
Medical Analysis Systems RefLab Manual Test Procedure
Meditech Diagnostic System Test Kit
Pointe Scientific 180 Chemistry Analyzer
Reagents Applications RAICHEM Test Kit
Seragen StatEase
SmithKline Diagnostics ESKALAB-CCS
Stanbio Premiere
Stanbio Test Kit
TRACE Scientific Test Kit

Analyte: Dehydroepiandrosterone Sulfate (DHEA-SO4)

Category: Manual procedures with multiple steps in sample/reagent preparation or analytic process
Test System, Assay or Examination:
Biomerica RIA Test Kit

Analyte: Erythropoietin

Category: Manual procedures with multiple steps in sample/reagent preparation or analytic process
Test System, Assay or Examination:
Ramco EPORIA Test Kit

Analyte: Estradiol

Category: Manual procedures with multiple steps in sample/reagent preparation or analytic process
Test System, Assay or Examination:
Biomerica RIA Test Kit

Leeco Diagnostics RIA Test Kit

Analyte: Estriol-Total

Category: Automated or semi-automated procedures that do require operator intervention during the analytic process
Test System, Assay or Examination:
Bio-Chem Laboratory Systems ATAC 2100

Analyte: Estriol-unconjugated

Category: Manual procedures with multiple steps in sample/reagent preparation or analytic process
Test System, Assay or Examination:
Biomerica RIA Test Kit
Immunotech EIA Test Kit
Immunotech ENDAB EIA Kit

Analyte: Fatty Acids, Non-Esterified

Category: Manual procedures with multiple steps in sample/reagent preparation or analytic process
Test System, Assay or Examination:
Wako NEFA C Test Kit

Analyte: Ferritin

Category: Manual procedures with multiple steps in sample/reagent preparation or analytic process
Test System, Assay or Examination:
Diagnostic Products Corp. Coat-A-Count IRMA
Du Pont RIANEN RIA Kit
Leeco Diagnostics RIA Test Kit
Medix Biotech EIA Test Kit
Ramco EIA Test Kit
Ramco FER-IRON II Microtiter Assay Kit

Analyte: Follicle Stimulating Hormone (FSH)

Category: Manual procedures with multiple steps in sample/reagent preparation or analytic process
Test System, Assay or Examination:
Immunotech EZ-TUBE EIA Kit
Leeco Diagnostics RIA Test Kit
Medix Biotech EIA Test Kit
Nichols Institute Allegro (RIA)
Organon NML IRMA Test Kit

Analyte: Fructosamine

Category: Manual procedures with multiple steps in sample/reagent preparation or analytic process
Test System, Assay or Examination:
Isolab Glyco-PROBE GSP
Reagents Applications RAICHEM Test Kit

Analyte: Gamma Glutamyl Transferase (GGT)

Category: Automated or semi-automated procedures that do require operator intervention during the analytic process
Test System, Assay or Examination:
Instrumentation Laboratory Multistat III
Instrumentation Laboratory Multistat III Plus
Technicon SMAC 2
Technicon SMAC 3
Category: Manual procedures with multiple steps in sample/reagent preparation or analytic process
Test System, Assay or Examination:
DMA Test Kit
Meditech Diagnostic System Test Kit
Pointe Scientific 180 Chemistry Analyzer
Reagents Applications RAICHEM Test Kit
Stanbio Test Kit
TRACE Scientific Test Kit
Wako Autokit

Analyte: Glucose

Category: Automated or semi-automated procedures that do require operator intervention during the analytic process
Test System, Assay or Examination:
Instrumentation Laboratory IL 504
Instrumentation Laboratory IL 508
Instrumentation Laboratory Multistat III
Instrumentation Laboratory Multistat III Plus
Technicon SMAC 2
Technicon SMAC 3
Category: Manual procedures with multiple steps in sample/reagent preparation or analytic process
Test System, Assay or Examination:
DMA Test Kit
Mallinckrodt Serometer 370
Medical Analysis Systems RefLab Manual Test Procedure
Meditech Diagnostic System Test Kit
Pointe Scientific 180 Chemistry Analyzer
Reagents Applications RAICHEM Test Kit
Sclavo Fast Glucose
Seradyn Manual (spectrophoto/colorimetric) Determination
Seradyn Quick-Chem II
Seragen Quick-Chem
Seragen StatEase
Sherwood Medical Auto/Stat Kit
SmithKline Diagnostics ESKALAB–CCS
Stanbio Premiere
Stanbio Test Kit
TRACE Scientific Test Kit
Wako Glucose C Test Kit

Analyte: Glucose-6-Phosphate Dehydrogenase (G-6-PDH)

Category: Manual procedures with multiple steps in sample/reagent preparation or analytic process
Test System, Assay or Examination:
Behring Stat-Pack G-6-PDH Test

Analyte: Glucose-6-Phosphate Dehydrogenase Fractions

Category: Electrophoretic separations
Test System, Assay or Examination:
Helena Laboratories G-6-PD Electrophoresis

Analyte: Glycosylated Hemoglobin (Hgb A1C)

Category: Electrophoretic separations
Test System, Assay or Examination:
Helena Laboratories REP Glyco
Helena Laboratories Titan Gel-PC GLYCO-Heme System
Category: Manual procedures with multiple steps in sample/reagent preparation or analytic process
Test System, Assay or Examination:
Bio-Rad Column Test
Chembio Glyco-Sep/A1c jr
Chembio Glyco-Stat/A1/6
Helena Laboratories GLYCO-Hb Quik Column Chromatography
Helena Laboratories GLYCO-Tek Affinity Column Method
Helena Laboratories Heme Spec Plus
Isolab Glyc-Affin GHb
Isolab Quik-Sep Fast Hemoglobin Test System
Meditech Diagnostic System Test Kit
Pointe Scientific 180 Chemistry Analyzer
Seradyn Glycotrak
Stanbio Premiere
Stanbio Test Kit

Analyte: HCG, Serum, Qualitative

Category: Manual procedures with multiple steps in sample/reagent preparation or analytic process
Test System, Assay or Examination:
Leeco Diagnostics Concept-7-Beta-hCG
Leeco Diagnostics Concept-7-Beta-hCG IRMA
Nichols Institute Allegro (RIA)
Organon NML IRMA Test Kit

Analyte: HCG, Serum, Quantitative

Category: Automated or semi-automated procedures that do require operator intervention during the analytic process
Test System, Assay or Examination:
Bio-Chem Laboratory Systems ATAC 2100
Category: Manual procedures with multiple steps in sample/reagent preparation or analytic process
Test System, Assay or Examination:
Diagnostic Products Corp. Coat-A-Count IRMA
Leeco Diagnostics Concept-7-Beta-hCG
Leeco Diagnostics Concept-7-Beta-hCG IRMA
Medix Biotech EIA Test Kit

Analyte: HCG, Urine, Qualitative (non-waived procedures)

Category: Manual procedures with multiple steps in sample/reagent preparation or analytic process
Test System, Assay or Examination:
Leeco Diagnostics Concept-7-Beta-hCG
Leeco Diagnostics Concept-7-Beta-hCG IRMA
Organon NML IRMA Test Kit

Analyte: HDL Cholesterol (post-precipitation VLDL & LDL)

Category: Automated or semi-automated procedures that do require operator intervention during the analytic process
Test System, Assay or Examination:
DataChem DC-100
Du Pont Dimension ES
EM Diagnostic Systems EASY PLUS
EM Diagnostic Systems EASY ST
Instrumentation Laboratory Multistat III
Instrumentation Laboratory Multistat III Plus
Kodak Ektachem 250
Kodak Ektachem 700 P
Roche Cobas Mira Plus
Roche Cobas Ready
Technicon RA 100
Category: Manual procedures with multiple steps in sample/reagent preparation or analytic process
Test System, Assay or Examination:
DMA Test Kit
Mallinckrodt Serometer 370
Medical Analysis Systems Manual Test Procedure
Meditech Diagnostic System Test Kit
Pointe Scientific 180 Chemistry Analyzer
Reagents Applications RAICHEM Test Kit
Reference Diagnostics Magnetic HDL Cholesterol
Seradyn HDL Cholesterol Determination
Seradyn Manual (spectrophoto/colorimetric) Determination
Seradyn Quick-Chem II
Seragen Quick-Chem
Seragen StatEase
Sherwood Medical Rapid Stat Diagnostic Kit
SmithKline Diagnostics ESKALAB–CCS
Stanbio Premiere
Stanbio Test Kit
TRACE HDL Singles
Wako HDL Cholesterol Test Kit

Analyte: Haptoglobin

Category: Manual procedures with multiple steps in sample/reagent preparation or analytic process
Test System, Assay or Examination:
Reagents Applications RAICHEM SPIA Test Kit

Analyte: Homovanillic Acid (HVA)

Category: Automated or semi-automated procedures that do require operator intervention during the analytic process
Test System, Assay or Examination:
Bio-Rad HPLC

Analyte: Human Growth Hormone (GH)

Category: Manual procedures with multiple steps in sample/reagent preparation or analytic process
Test System, Assay or Examination:
Medix Biotech EIA Test Kit
Nichols Institute Allegro (RIA)

Analyte: Insulin-like Growth Factor-1 (IGF-1)

Category: Manual procedures with multiple steps in sample/reagent preparation or analytic process
Test System, Assay or Examination:
Nichols Institute RIA Kit

Analyte: Iron

Category: Automated or semi-automated procedures that do require operator intervention during the analytic process
Test System, Assay or Examination:
Instrumentation Laboratory Multistat III
Instrumentation Laboratory Multistat III Plus
Technicon SMAC 2
Technicon SMAC 3
Category: Manual procedures with multiple steps in sample/reagent preparation or analytic process
Test System, Assay or Examination:
Pointe Scientific 180 Chemistry Analyzer
Reagents Applications RAICHEM Test Kit
Seragen StatEase
Stanbio Premiere
Stanbio Test Kit
TRACE Scientific Test Kit
Wako FeB Test Kit
Wako FeC Test Kit

Analyte: Iron Binding Capacity (post saturation/separation)

Category: Automated or semi-automated procedures that do require operator intervention during the analytic process
Test System, Assay or Examination:
DataChem DC–100
Du Pont Dimension ES
EM Diagnostic Systems EPOS
Instrumentation Laboratory Multistat III
Instrumentation Laboratory Multistat III Plus
Kodak Ektachem 250
Roche Cobas Mira Plus
Category: Manual procedures with multiple steps in sample/reagent preparation or analytic process
Test System, Assay or Examination:
Pointe Scientific 180 Chemistry Analyzer
Reagents Applications RAICHEM Test Kit
Stanbio Premiere
Stanbio Test Kit
Wako Fe B Test Kit
Wako UIBC Test Kit

Analyte: Lactate Dehydrogenase (LDH)

Category: Automated or semi-automated procedures that do require operator intervention during the analytic process
Test System, Assay or Examination:
Technicon SMAC 2
Technicon SMAC 3
Category: Manual procedures with multiple steps in sample/reagent preparation or analytic process
Test System, Assay or Examination:
DMA Test Kit
Mallinckrodt Serometer 370
Medical Analysis Systems Manual Test Procedure
Medical Analysis Systems RefLab Manual Test Procedure
Meditech Diagnostic System Test Kit
Pointe Scientific 180 Chemistry Analyzer
Reagents Applications RAICHEM Test Kit
Seradyn LDH–UV Determination
Seragen StatEase
SmithKline Diagnostics ESKALAB–CCS
Stanbio Premiere
Stanbio Test Kit
TRACE Scientific Test Kit
Wako Autokit
Wako Lactate Dehydrogenase CII Test Kit

Analyte: Lactate Dehydrogenase Heart Fraction (LDH–1)

Category: Manual procedures with multiple steps in sample/reagent preparation or analytic process
Test System, Assay or Examination:
DMA Test Kit
Seradyn LD–1 Separation Set

Analyte: Lactate Dehydrogenase Isoenzymes

Category: Electrophoretic separations
Test System, Assay or Examination:
Helena Laboratories LDH Isoenzyme Electrophoresis
Helena Laboratories REP CK/LD Isoenzyme Combo Method
Helena Laboratories REP LD Isoenzyme Procedure
Helena Laboratories REP LD Stat

Isoenzyme Procedure
Helena Laboratories Titan Gel Iso-Dot LD Flur (Black)
Helena Laboratories Titan Gel Iso-Dot LD Flur (Clear)
Helena Laboratories Titan Gel LD Isoenzyme Procedure
Helena Laboratories Titan Gel-PC LD Isoenzyme Procedure

Analyte: Lactate Dehydrogenase Liver Fraction (LLDH)

Category: Automated or semi-automated procedures that do require operator intervention during the analytic process
Test System, Assay or Examination:
Instrumentation Laboratory Multistat III
Instrumentation Laboratory Multistat III Plus

Analyte: Lactic Acid (Lactate)

Category: Automated or semi-automated procedures that do require operator intervention during the analytic process
Test System, Assay or Examination:
Instrumentation Laboratory Multistat III
Instrumentation Laboratory Multistat III Plus
Category: Manual procedures with multiple steps in sample/reagent preparation or analytic process
Test System, Assay or Examination:
Behring Stat-Pack Lactate Test

Analyte: Lecithin/Sphingomyelin (L/S) Ratio

Category: Electrophoretic separations
Test System, Assay or Examination:
Helena Laboratories Fetal-Tek 200 Method L/S Ratio
Helena Laboratories L/S Ratio

Analyte: Lipase

Category: Automated or semi-automated procedures that do require operator intervention during the analytic process
Test System, Assay or Examination:
Instrumentation Laboratory Multistat III
Instrumentation Laboratory Multistat III Plus
Category: Manual procedures with multiple steps in sample/reagent preparation or analytic process
Test System, Assay or Examination:
Mallinckrodt Serometer 370
Medical Analysis Systems Manual Test Procedure
Pointe Scientific 180 Chemistry Analyzer
SmithKline Diagnostics ESKALAB–CCS
Stanbio Premiere
Wako Autokit

Analyte: Lipoprotein Fractions

Category: Electrophoretic separations
Test System, Assay or Examination:
Helena Laboratories HDL Cholesterol Electrophoresis
Helena Laboratories Lipoprotein Electrophoresis Procedure
Helena Laboratories REP HDL Electrophoresis
Helena Laboratories REP Lipo Electrophoresis Procedure
Helena Laboratories REP Ultra HDL, VLDL/LDL Choles. System
Helena Laboratories Titan Gel HDL Electrophoresis System
Helena Laboratories Titan Gel Lipoprotein Electropho. Sys.
Category: Manual procedures with multiple steps in sample/reagent preparation or analytic process
Test System, Assay or Examination:
Isolab LDL—Direct
Isolab LDL—Direct Plus

Analyte: Luteinizing Hormone (LH)

Category: Manual procedures with multiple steps in sample/reagent preparation or analytic process
Test System, Assay or Examination:
Immunotech EZ–TUBE EIA Kit
Leeco Diagnostics RIA Test Kit
Medix Biotech EIA Test Kit
Nichols Institute Allegro (RIA)
Organon NML IRMA Test Kit

Analyte: Magnesium

Category: Automated or semi-automated procedures that do require operator intervention during the analytic process
Test System, Assay or Examination:
Instrumentation Laboratory Multistat III
Instrumentation Laboratory Multistat III Plus
Category: Manual procedures with multiple steps in sample/reagent preparation or analytic process
Test System, Assay or Examination:
DMA Test Kit
Mallinckrodt Serometer 370
Medical Analysis Systems RefLab Manual Test Procedure
Meditech Diagnostic System Test Kit
Pointe Scientific 180 Chemistry Analyzer
Reagents Applications RAICHEM Test Kit
Sherwood Medical Rapid Stat Diagnostic Kit
SmithKline Diagnostics ESKALAB–CCS
Stanbio Premiere
Stanbio Test Kit
TRACE Scientific Test Kit
Wako Magnesium B Test Kit

Analyte: Microalbumin

Category: Automated or semi-automated procedures that do require operator intervention during the analytic process
Test System, Assay or Examination:
Instrumentation Laboratory Multistat III
Instrumentation Laboratory Multistat III Plus
Category: Manual procedures with multiple steps in sample/reagent preparation or analytic process
Test System, Assay or Examination:
Wako Micro-Albumin (urine) Turbidimetric Test Kit

Analyte: Myoglobin

Category: Manual procedures with multiple steps in sample/reagent preparation or analytic process
Test System, Assay or Examination:
Biomerica RIA Test Kit

Analyte: Parathyroid Hormone—Intact

Category: Manual procedures with multiple steps in sample/reagent preparation or analytic process
Test System, Assay or Examination:
Nichols Institute Allegro (RIA)
Ramco RIA Test Kit

Analyte: Parathyroid Hormone—Mid-molecule (PTH–M)

Category: Manual procedures with multiple steps in sample/reagent preparation or analytic process
Test System, Assay or Examination:
Nichols Institute RIA Kit

Analyte: Phenyalanine

Category: Automated or semi-automated procedures that do require operator intervention during the analytic process
Test System, Assay or Examination:
Instrumentation Laboratory Multistat III
Instrumentation Laboratory Multistat III Plus

Analyte: Phosphatidylglycerol (PG)—Amniotic Fluid

Category: Manual procedures with multiple steps in sample/reagent preparation or analytic process
Test System, Assay or Examination:
Isolab PG-Numeric

Analyte: Phospholipids

Category: Manual procedures with multiple steps in sample/reagent preparation or analytic process
Test System, Assay or Examination:
Wako Phospholipids Test Kit

Analyte: Phosphorus

Category: Automated or semi-automated procedures that do require operator intervention during the analytic process
Test System, Assay or Examination:
Instrumentation Laboratory Multistat III
Instrumentation Laboratory Multistat III Plus
Technicon SMAC 2
Technicon SMAC 3
Category: Manual procedures with multiple steps in sample/reagent preparation or analytic process
Test System, Assay or Examination:
DMA Test Kit
Mallinckrodt Serometer 370
Medical Analysis Systems RefLab Manual Test Procedure
Meditech Diagnostic System Test Kit
Pointe Scientific 180 Chemistry Analyzer
Reagents Applications RAICHEM Test Kit
Seradyn Manual (spectrophoto/colorimetric) Determination
Seragen Quick-Chem
Sherwood Medical Auto/Stat Kit
SmithKline Diagnostics ESKALAB–CCS
Stanbio Premiere
Stanbio Test Kit
TRACE Scientific Test Kit

Analyte: Porphobilinogen

Category: Manual procedures with multiple steps in sample/reagent preparation or analytic process
Test System, Assay or Examination:
Whale Scientific Porphyrins and Porphobilinogen

Analyte: Porphyrins

Category: Manual procedures with multiple steps in sample/reagent preparation or analytic process
Test System, Assay or Examination:
Whale Scientific Porphyrins and Porphobilinogen

Analyte: Potassium

Category: Automated or semi-automated procedures that do require operator intervention during the analytic process
Test System, Assay or Examination:
Instrumentation Laboratory IL 508
Technicon SMAC 2
Technicon SMAC 3
Category: Manual procedures with multiple steps in sample/reagent preparation or analytic process
Test System, Assay or Examination:
Mallinckrodt Serometer 370
Pointe Scientific 180 Chemistry Analyzer
SmithKline Diagnostics ESKALAB–CCS
Stanbio Premiere
Stanbio Test Kit

Analyte: Progesterone

Category: Manual procedures with multiple steps in sample/reagent preparation or analytic process
Test System, Assay or Examination:
Biomerica RIA Test Kit
Leeco Diagnostics RIA Test Kit

Analyte: Prolactin

Category: Automated or semi-automated procedures that do require operator intervention during the analytic process
Test System, Assay or Examination:
Bio-Chem Laboratory Systems ATAC 2100
Category: Manual procedures with multiple steps in sample/reagent preparation or analytic process
Test System, Assay or Examination:
Immunotech EZ–TUBE EIA Kit
Leeco Diagnostics RIA Test Kit
Medix Biotech EIA Test Kit
Nichols Institute Allegro (RIA)
Organon NML IRMA Test Kit

Analyte: Prostatic Acid Phosphatase

Category: Manual procedures with multiple steps in sample/reagent preparation or analytic process
Test System, Assay or Examination:
Biomerica RIA Test Kit
Du Pont RIANEN RIA Kit
Leeco Diagnostics RIA Test Kit

Analyte: Protein, Total

Category: Automated or semi-automated procedures that do require operator intervention during the analytic process
Test System, Assay or Examination:
Instrumentation Laboratory IL 504
Instrumentation Laboratory IL 508
Instrumentation Laboratory Multistat III
Instrumentation Laboratory Multistat III Plus
Technicon SMAC 2
Technicon SMAC 3
Category: Manual procedures with multiple steps in sample/reagent preparation or analytic process
Test System, Assay or Examination:
Bio-Rad Test Kit
DMA Test Kit
Mallinckrodt Serometer 370
Medical Analysis Systems Manual Test Procedure
Meditech Diagnostic System Test Kit
Pointe Scientific 180 Chemistry Analyzer
Reagents Applications RAICHEM Test Kit
Seragen StatEase
Sherwood Medical Rapid Stat Diagnostic Kit
SmithKline Diagnostics ESKALAB–CCS
Stanbio Premiere
Stanbio Test Kit
TRACE Scientific Test Kit
Wako Autokit
Wako Micro TP Test Kit

Analyte: Pyruvate

Category: Automated or semi-automated procedures that do require operator intervention during the analytic process
Test System, Assay or Examination:
Instrumentation Laboratory Multistat III
Instrumentation Laboratory Multistat III Plus

Analyte: Serotonin

Category: Manual procedures with multiple steps in sample/reagent preparation or analytic process
Test System, Assay or Examination:
Immunotech Urinary Serotonin Enzyme Immunoassay

Analyte: Sex Hormone Binding Globulin

Category: Manual procedures with multiple steps in sample/reagent preparation or analytic process
Test System, Assay or Examination:
Ventrex Coated Tube (RIA)

Analyte: Sodium

Category: Automated or semi-automated procedures that do require operator intervention during the analytic process
Test System, Assay or Examination:
Instrumentation Laboratory IL 508
Technicon SMAC 2
Technicon SMAC 3
Category: Manual procedures with multiple steps in sample/reagent preparation or analytic process
Test System, Assay or Examination:
Stanbio Test Kit

Analyte: Testosterone

Category: Manual procedures with multiple steps in sample/reagent preparation or analytic process
Test System, Assay or Examination:
Leeco Diagnostics RIA Test Kit

Analyte: Thyroid Stimulating Hormone (TSH)

Category: Automated or semi-automated procedures that do require operator intervention during the analytic process
Test System, Assay or Examination:
Bio-Chem Laboratory Systems ATAC 2100
Category: Manual procedures with multiple steps in sample/reagent preparation or analytic process

Test System, Assay or Examination:
Immunotech EZ–BEAD EIA Kit
Immunotech Microzyme EIA (spectrophotometric)
Leeco Diagnostics IRMA Test Kit
Leeco Diagnostics RIA Test Kit
Medix Biotech EIA Test Kit
Sigma SIA Test Kit (ELISA)

Analyte: Thyroid Stimulating Hormone (TSH) (Neonatal)

Category: Manual procedures with multiple steps in sample/reagent preparation or analytic process
Test System, Assay or Examination:
Becton Dickinson Neonatal TSH Immunoradiometric Assay
Biomerica RIA Test Kit

Analyte: Thyroid Stimulating Hormone—high sens. (TSH–HS)

Category: Manual procedures with multiple steps in sample/reagent preparation or analytic process
Test System, Assay or Examination:
Medix Biotech EIA Test Kit
Nichols Institute Allegro (RIA)
Sanofi/Kallestad Quanticlone

Analyte: Thyroxine (T4)

Category: Automated or semi-automated procedures that do require operator intervention during the analytic process
Test System, Assay or Examination:
Bio-Chem Laboratory Systems ATAC 2100
Instrumentation Laboratory Multistat III
Instrumentation Laboratory Multistat III Plus
Category: Manual procedures with multiple steps in sample/reagent preparation or analytic process
Test System, Assay or Examination:
Biomerica EIA Test Kit
Immunotech ENDAB EIA Kit
Immunotech EZ–BEAD EIA Kit
Immunotech Microzyme EIA (spectrophotometric)
Medix Biotech EIA Test Kit
Stanbio Premiere

Analyte: Thyroxine (T4), Neonatal

Category: Manual procedures with multiple steps in sample/reagent preparation or analytic process
Test System, Assay or Examination:
Sanofi/Kallestad Quanticoat

Analyte: Thyroxine Binding Globulin (TBG)

Category: Manual procedures with multiple steps in sample/reagent preparation or analytic process
Test System, Assay or Examination:
Nichols Institute RIA Kit

Analyte: Thyroxine, Free (FT4)

Category: Manual procedures with multiple steps in sample/reagent preparation or analytic process
Test System, Assay or Examination:
Immunotech Microzyme EIA (spectrophotometric)
International Immunoassay Labs SPIRIA–FT4 RIA Kit
Nichols Institute Free T4 by Equilibrium Dialysis

Analyte: Transferrin

Category: Automated or semi-automated procedures that do require operator intervention during the analytic process
Test System, Assay or Examination:
Bio-Chem Laboratory Systems ATAC 2100

Analyte: Triglyceride

Category: Automated or semi-automated procedures that do require operator intervention during the analytic process
Test System, Assay or Examination:
Instrumentation Laboratory Multistat III
Instrumentation Laboratory Multistat III Plus
Technicon SMAC 2
Technicon SMAC 3
Category: Manual procedures with multiple steps in sample/reagent preparation or analytic process
Test System, Assay or Examination:
DMA Test Kit
Mallinckrodt Serometer 370
Medical Analysis Systems RefLab Manual Test Procedure
Meditech Diagnostic System Test Kit
Pointe Scientific 180 Chemistry Analyzer
Reagents Applications RAICHEM Test Kit
Seradyn Manual (spectrophoto/colorimetric) Determination
Seradyn Quick-Chem II
Seragen Quick-Chem
Seragen StatEase
SmithKline Diagnostics ESKALAB–CCS
Stanbio Premiere
Stanbio Test Kit
TRACE Scientific Test Kit
Wako Triglyceride G Test Kit

Analyte: Triiodothyronine (T3)

Category: Automated or semi-automated procedures that do require operator intervention during the analytic process
Test System, Assay or Examination:
Bio-Chem Laboratory Systems ATAC 2100
Category: Manual procedures with multiple steps in sample/reagent preparation or analytic process
Test System, Assay or Examination:
Biomerica EIA Test Kit
Immunotech EIA Test Kit
Immunotech ENDAB EIA Kit
Immunotech Microzyme EIA (spectrophotometric)
Leeco Diagnostics RIA Test Kit
Medix Biotech EIA Test Kit
Stanbio Premiere

Analyte: Triiodothyronine Uptake (T3U) (TU)

Category: Automated or semi-automated procedures that do require operator intervention during the analytic process
Test System, Assay or Examination:
Bio-Chem Laboratory Systems ATAC 2100
Category: Manual procedures with multiple steps in sample/reagent preparation or analytic process
Test System, Assay or Examination:
Immunotech EIA Test Kit
Immunotech Microzyme EIA (spectrophotometric)

Analyte: Trypsin

Category: Automated or semi-automated procedures that do require operator intervention during the analytic process
Test System, Assay or Examination:
Instrumentation Laboratory Multistat III
Instrumentation Laboratory Multistat III Plus

Analyte: Urea (BUN)

Category: Automated or semi-automated procedures that do require operator intervention during the analytic process
Test System, Assay or Examination:
Instrumentation Laboratory IL 504
Instrumentation Laboratory IL 508
Instrumentation Laboratory Multistat III
Instrumentation Laboratory Multistat III Plus
Technicon SMAC 2
Technicon SMAC 3
Category: Manual procedures with multiple steps in sample/reagent preparation or analytic process
Test System, Assay or Examination:
DMA Test Kit
Mallinckrodt Serometer 370
Medical Analysis Systems RefLab Manual Test Procedure
Meditech Diagnostic System Test Kit
Pointe Scientific 180 Chemistry Analyzer
Reagents Applications RAICHEM Test Kit
Seradyn Quick-Chem II
Seragen StatEase
SmithKline Diagnostics ESKALAB-

CCS
Stanbio Premiere
Stanbio Test Kit
TRACE Scientific Test Kit
Wako Autokit
Wako Urea Nitrogen Test Kit

Analyte: Uric Acid

Category: Automated or semi-automated procedures that do require operator intervention during the analytic process
Test System, Assay or Examination:
Instrumentation Laboratory Multistat III
Instrumentation Laboratory Multistat III Plus
Technicon SMAC 2
Technicon SMAC 3
Category: Manual procedures with multiple steps in sample/reagent preparation or analytic process
Test System, Assay or Examination:
DMA Test Kit
Mallinckrodt Serometer 370
Medical Analysis Systems RefLab Manual Test Procedure
Meditech Diagnostic System Test Kit
Nycomed Nycotest
Pointe Scientific 180 Chemistry Analyzer
Reagents Applications RAICHEM Test Kit
Seradyn Quick-Chem II
Seragen StatEase
SmithKline Diagnostics ESKALAB-CCS
Stanbio Premiere
Stanbio Test Kit
Wako Autokit

Analyte: Urokinase

Category: Automated or semi-automated procedures that do require operator intervention during the analytic process
Test System, Assay or Examination:
Instrumentation Laboratory Multistat III
Instrumentation Laboratory Multistat III Plus

Analyte: Zinc

Category: Manual procedures with multiple steps in sample/reagent preparation or analytic process
Test System, Assay or Examination:
Wako Zn Test Kit
Speciality/Subspeciality: General Immunology

Analyte: Allergen specific IgE

Category: Manual procedures with multiple steps in sample/reagent preparation or analytic process
Test System, Assay or Examination:
Ciba Corning Magic Lite

Analyte: Alpha-1-Acid Glycoprotein (orosomucoid)

Category: Manual procedures with multiple steps in sample/reagent preparation or analytic process
Test System, Assay or Examination:
Reagents Applications RAICHEM Test Kit

Analyte: Alpha-1-Antitrypsin

Category: Automated or semi-automated procedures that do require operator intervention during the analytic process
Test System, Assay or Examination:
Instrumentation Laboratory Multistat III
Instrumentation Laboratory Multistat III Plus

Analyte: Alpha-Fetoprotein—Tumor Marker

Category: Automated or semi-automated procedures that do require operator intervention during the analytic process
Test System, Assay or Examination:
Abbott COMMANDER System

Analyte: Anti-Cardiolipin Antibodies

Category: Manual procedures with multiple steps in sample/reagent preparation or analytic process
Test System, Assay or Examination:
Apotex Cardiolipin ELISA
Sigma SIA Anti-Cardiolipin

Analyte: Anti-DNA Antibodies

Category: Manual procedures with multiple steps in sample/reagent preparation or analytic process
Test System, Assay or Examination:
Apotex dsDNA ELISA
Du Pont RIANIN Anti-dsDNA RIA Kit

Analyte: Anti-Histone Antibodies

Category: Manual procedures with multiple steps in sample/reagent preparation or analytic process
Test System, Assay or Examination:
Apotex Histone ELISA

Analyte: Anti-Jo-1

Category: Manual procedures with multiple steps in sample/reagent preparation or analytic process
Test System, Assay or Examination:
Apotex Jo-1 ELISA

Analyte: Anti-Mitochondrial Antibodies (AMTA)

Category: Manual procedures with multiple steps in sample/reagent preparation or analytic process
Test System, Assay or Examination:
Apotex Mitochondral ELISA

Analyte: Anti-RNP (Ribonucleoprotein)

Category: Manual procedures with multiple steps in sample/reagent preparation or analytic process
Test System, Assay or Examination:
Apotex ENA Profile ELISA
Apotex SM/RNP ELISA

Analyte: Anti-SS-A/Ro

Category: Manual procedures with multiple steps in sample/reagent preparation or analytic process
Test System, Assay or Examination:
Apotex ENA Profile ELISA
Apotex SS-A ELISA

Analyte: Anti-SS-B/La

Category: Manual procedures with multiple steps in sample/reagent preparation or analytic process
Test System, Assay or Examination:
Apotex ENA Profile ELISA
Apotex SS-B ELISA

Analyte: Anti-Scl-70

Category: Manual procedures with multiple steps in sample/reagent preparation or analytic process
Test System, Assay or Examination:
Apotex Scl-70 ELISA

Analyte: Anti-Sm (Smith)

Category: Manual procedures with multiple steps in sample/reagent preparation or analytic process
Test System, Assay or Examination:
Apotex ENA Profile ELISA
Apotex SM ELISA
Apotex SM/RNP ELISA

Analyte: Beta-2 microglobulin

Category: Manual procedures with multiple steps in sample/reagent preparation or analytic process
Test System, Assay or Examination:
Diagnostic Products Corp. Coat-A-Count IRMA
Serex Beta-2 Microglobulin EIA Kit

Analyte: C-Reactive Protein (CRP)

Category: Manual procedures with multiple steps in sample/reagent preparation or analytic process
Test System, Assay or Examination:
Wako Autokit

Analyte: Carcinoembryonic Antigen (CEA)

Category: Automated or semi-automated procedures that do require operator intervention during the analytic process
Test System, Assay or Examination:
Abbott COMMANDER System
Category: Manual procedures with multiple steps in sample/reagent preparation or analytic process
Test System, Assay or Examination:

Roche CEA-Roche EIA

Analyte: Ceruloplasmin

Category: Automated or semi-automated procedures that do require operator intervention during the analytic process
Test System, Assay or Examination:
Instrumentation Laboratory Multistat III
Instrumentation Laboratory Multistat III Plus

Analyte: Coccidioides Antibodies

Category: Manual procedures with multiple steps in sample/reagent preparation or analytic process
Test System, Assay or Examination:
Meridian Diagnostics Premier Coccidioides EIA

Analyte: Complement C3

Category: Automated or semi-automated procedures that do require operator intervention during the analytic process
Test System, Assay or Examination:
Bio-Chem Laboratory Systems ATAC 2100
Instrumentation Laboratory Multistat III
Instrumentation Laboratory Multistat III Plus

Analyte: Complement C4

Category: Automated or semi-automated procedures that do require operator intervention during the analytic process
Test System, Assay or Examination:
Bio-Chem Laboratory Systems ATAC 2100
Instrumentation Laboratory Multistat III
Instrumentation Laboratory Multistat III Plus

Analyte: Cytomegalovirus Antibodies

Category: Automated or semi-automated procedures that do require operator intervention during the analytic process
Test System, Assay or Examination:
Abbott COMMANDER System
Category: Manual procedures with multiple steps in sample/reagent preparation or analytic process
Test System, Assay or Examination:
Analytab ACCU-LYZA CMV IgG ELISA Test System
Analytab ACCU-LYZA CMV IgM ELISA Test System
Baxter Bartels Cytomegalovirus IgG EIA
Baxter Bartels Cytomegalovirus IgM EIA

Analyte: Epstein-Barr virus Antibodies

Category: Manual procedures with multiple steps in sample/reagent preparation or analytic process
Test System, Assay or Examination:
Baxter Bartels Epstein Barr Virus IgG EIA
Baxter Bartels Epstein Barr Virus IgM EIA
Sigma SIA Epstein-Barr EBNA IgM/IgG
Sigma SIA Epstein-Barr VCA IgG
Sigma SIA Epstein-Barr VCA IgM

Analyte: HIV Antibodies

Category: Automated or semi-automated procedures that do require operator intervention during the analytic process
Test System, Assay or Examination:
Abbott COMMANDER System

Analyte: HTLV Antibodies

Category: Automated or semi-automated procedures that do require operator intervention during the analytic process
Test System, Assay or Examination:
Abbott COMMANDER System
Category: Manual procedures with multiple steps in sample/reagent preparation or analytic process
Test System, Assay or Examination:
Organon Teknika Vironstika HTLV–1 Microelisa Assay

Analyte: Haptoglobin

Category: Automated or semi-automated procedures that do require operator intervention during the analytic process
Test System, Assay or Examination:
Instrumentation Laboratory Multistat III
Instrumentation Laboratory Multistat III Plus
Category: Electrophoretic separations
Test System, Assay or Examination:
Helena Laboratories Haptoglobin

Analyte: Hepatitis A Antibody (HAVAb)

Category: Automated or semi-automated procedures that do require operator intervention during the analytic process
Test System, Assay or Examination:
Abbott COMMANDER System
Category: Manual procedures with multiple steps in sample/reagent preparation or analytic process
Test System, Assay or Examination:
Syva MicroTrak Total Anti-HAV EIA

Analyte: Hepatitis A Antibody—IgM

Category: Automated or semi-automated procedures that do require operator intervention during the analytic process
Test System, Assay or Examination:
Abbott COMMANDER System

Analyte: Hepatitis B Core Antibody (Hb Core)

Category: Automated or semi-automated procedures that do require operator intervention during the analytic process
Test System, Assay or Examination:
Abbott COMMANDER System

Analyte: Hepatitis B Core Antibody—IgM

Category: Automated or semi-automated procedures that do require operator intervention during the analytic process
Test System, Assay or Examination:
Abbott COMMANDER System
Category: Manual procedures with multiple steps in sample/reagent preparation or analytic process
Test System, Assay or Examination:
Syva MicroTrak IgM Anti-HBcore EIA

Analyte: Hepatitis B Surface Antibody

Category: Automated or semi-automated procedures that do require operator intervention during the analytic process
Test System, Assay or Examination:
Abbott COMMANDER System

Analyte: Hepatitis B Surface Antigen (HBsAg)

Category: Automated or semi-automated procedures that do require operator intervention during the analytic process
Test System, Assay or Examination:
Abbott COMMANDER System

Analyte: Hepatitis Be Antibody

Category: Automated or semi-automated procedures that do require operator intervention during the analytic process
Test System, Assay or Examination:
Abbott COMMANDER System
Category: Manual procedures with multiple steps in sample/reagent preparation or analytic process
Test System, Assay or Examination:
Syva MicroTrak HBeAg/Anti-HBe EIA

Analyte: Hepatitis Be Antigen

Category: Automated or semi-automated procedures that do require operator intervention during the analytic process
Test System, Assay or Examination:
Abbott COMMANDER System
Category: Manual procedures with multiple steps in sample/reagent preparation or analytic process
Test System, Assay or Examination:
Syva MicroTrak HBeAg/Anti-HBe

EIA

Analyte: Hepatitis C Virus Antibody

Category: Automated or semi-automated procedures that do require operator intervention during the analytic process
Test System, Assay or Examination:
Abbott COMMANDER System

Analyte: Herpes simplex I and/or II Antibodies

Category: Manual procedures with multiple steps in sample/reagent preparation or analytic process
Test System, Assay or Examination:
Analytab ACCU–LYZA HSV–1 and HSV–2 ELISA Test System
Baxter Bartels HSV 1 IgG EIA
Baxter Bartels HSV 1 IgM EIA
Baxter Bartels HSV 2 IgG EIA
Baxter Bartels HSV 2 IgM EIA

Analyte: Immunoglobulins IgA

Category: Automated or semi-automated procedures that do require operator intervention during the analytic process
Test System, Assay or Examination:
Bio-Chem Laboratory Systems ATAC 2100
Instrumentation Laboratory Multistat III
Instrumentation Laboratory Multistat III Plus

Analyte: Immunoglobulins IgE

Category: Manual procedures with multiple steps in sample/reagent preparation or analytic process
Test System, Assay or Examination:
Ciba Corning Magic Lite
Immunotech EZ–BEAD EIA Kit

Analyte: Immunoglobulins IgG

Category: Automated or semi-automated procedures that do require operator intervention during the analytic process
Test System, Assay or Examination:
Bio-Chem Laboratory Systems ATAC 2100
Instrumentation Laboratory Multistat III
Instrumentation Laboratory Multistat III Plus

Analyte: Immunoglobulins IgM

Category: Automated or semi-automated procedures that do require operator intervention during the analytic process
Test System, Assay or Examination:
Bio-Chem Laboratory Systems ATAC 2100
Instrumentation Laboratory Multistat III
Instrumentation Laboratory Multistat III Plus

Analyte: Lyme Disease Antibodies (Borrelia burgdorferi Abs)

Category: Manual procedures with multiple steps in sample/reagent preparation or analytic process
Test System, Assay or Examination:
Analytab API Lyme ELISA Test Kit
Baxter Bartels Lyme Disease EIA

Analyte: Protein Fractions

Category: Electrophoretic separations
Test System, Assay or Examination:
Helena Laboratories REP SPE Hi Res–15 Procedure
Helena Laboratories REP SPE Plus (Ponceau S)

Analyte: Rubella Antibodies

Category: Manual procedures with multiple steps in sample/reagent preparation or analytic process
Test System, Assay or Examination:
Analytab ACCU–LYZA Rubella IgG ELISA Test System
Analytab ACCU–LYZA Rubella IgM ELISA Test System
Baxter Bartels Rubella IgG EIA
Baxter Bartels Rubella IgM EIA

Analyte: Rubeola Antibodies (measles)

Category: Manual procedures with multiple steps in sample/reagent preparation or analytic process
Test System, Assay or Examination:
Baxter Bartels Rubeola IgG EIA
Baxter Bartels Rubeola IgM EIA
Sigma SIA Measles IgG
Sigma SIA Measles IgM

Analyte: Toxoplasma gondii Antibodies

Category: Manual procedures with multiple steps in sample/reagent preparation or analytic process
Test System, Assay or Examination:
Analytab ACCU–LYZA Toxo IgG ELISA Test System
Analytab ACCU–LYZA Toxo IgM ELISA Test System
Baxter Bartels Toxoplasma IgG EIA
Baxter Bartels Toxoplasma IgM EIA
Sigma SIA Toxoplasma IgG

Analyte: Transferrin

Category: Automated or semi-automated procedures that do require operator intervention during the analytic process
Test System, Assay or Examination:
Instrumentation Laboratory Multistat III
Instrumentation Laboratory Multistat III Plus
Speciality/Subspeciality: Hematology

Analyte: Alpha-2-Antiplasmin

Category: Automated or semi-automated procedures that do require operator intervention during the analytic process
Test System, Assay or Examination:
Helena Laboratories Chromogenic Systems Analyzer 1200
Instrumentation Laboratory IL ACL 200
Instrumentation Laboratory IL ACL 2000
Instrumentation Laboratory IL ACL 300
Instrumentation Laboratory IL ACL 3000
Instrumentation Laboratory IL ACL 3000 Plus
Medical Laboratories MLA Electra 1000 C
Medical Laboratories MLA Electra 900 C

Analyte: Antithrombin III (ATIII)

Category: Automated or semi-automated procedures that do require operator intervention during the analytic process
Test System, Assay or Examination:
Bio/Data PAP–4C
Helena Laboratories Chromogenic Systems Analyzer 1200
Instrumentation Laboratory IL ACL 200
Instrumentation Laboratory IL ACL 2000
Instrumentation Laboratory IL ACL 300
Instrumentation Laboratory IL ACL 3000
Instrumentation Laboratory IL ACL 3000 Plus
Instrumentation Laboratory Multistat III
Instrumentation Laboratory Multistat III Plus
LAbor COA Screener
Medical Laboratories MLA Electra 1000 C
Medical Laboratories MLA Electra 900 C
Category: Manual procedures with multiple steps in sample/reagent preparation or analytic process
Test System, Assay or Examination:
LAbor COA Data 2000
LAbor COA System
Sigma AccuStasis 1000
Sigma AccuStasis 2000

Analyte: Coagulation Factors

Category: Automated or semi-automated procedures that do require operator intervention during the analytic process
Test System, Assay or Examination:
Diagnostica Stago ST4
General Diagnostics Coag-A-Mate 2001
General Diagnostics Coag-A-Mate Dual Channel
General Diagnostics Coag-A-Mate X2
Helena Laboratories Cascade 480

Helena Laboratories Chromogenic Systems Analyzer 1200
Instrumentation Laboratory IL ACL 100
Instrumentation Laboratory IL ACL 1000
Instrumentation Laboratory IL ACL 200
Instrumentation Laboratory IL ACL 2000
Instrumentation Laboratory IL ACL 300
Instrumentation Laboratory IL ACL 3000
Instrumentation Laboratory IL ACL 3000 Plus
Medical Laboratories MLA Electra 1000 C
Medical Laboratories MLA Electra 800
Medical Laboratories MLA Electra 800 (with data management)
Medical Laboratories MLA Electra 900
Medical Laboratories MLA Electra 900 C
Organon Teknika Coag-A-Mate RA4
Organon Teknika Coag-A-Mate XC
Organon Teknika Coag-A-Mate XC Plus
Organon Teknika Coag-A-Mate XM
Ortho Koagulab 16S
Ortho Koagulab 32–S
Ortho Koagulab 40–A
Ortho Koagulab 60–S
TECO Coatron F2
TECO Coatron II
TECO Coatron Jr

Category: Manual procedures with multiple steps in sample/reagent preparation or analytic process
Test System, Assay or Examination:
American Scientific Fibrometer
Becton Dickinson BBL Fibrometer
Becton Dickinson BBL Fibrometer (Fibrosystem)
LAbor COA Data 2000
LAbor COA Screener
LAbor COA System
Medical Laboratories MLA Electra 750
Ortho KoaguLab M

Analyte: Eosinophils

Category: Microscopic evaluation and/or enumeration of cells, formed elements, or microorganisms in stained preparations
Test System, Assay or Examination:
All Manual Eosinophil Count Procedures

Analyte: Factor VIII Related Antigen

Category: Manual procedures with multiple steps in sample/reagent preparation or analytic process
Test System, Assay or Examination:
International Immunoassay Labs EIA–F8 Kit

Analyte: Factor VIII:C

Category: Automated or semi-automated procedures that do require operator intervention during the analytic process
Test System, Assay or Examination:
Bio/Data PAP–4C

Analyte: Factor X

Category: Automated or semi-automated procedures that do require operator intervention during the analytic process
Test System, Assay or Examination:
Instrumentation Laboratory Multistat III
Instrumentation Laboratory Multistat III Plus

Analyte: Fibrinogen

Category: Automated or semi-automated procedures that do require operator intervention during the analytic process
Test System, Assay or Examination:
Bio-Chem Laboratory Systems ATAC 2100
Diagnostica Stago ST4
Instrumentation Laboratory Multistat III
Instrumentation Laboratory Multistat III Plus

Category: Manual procedures with multiple steps in sample/reagent preparation or analytic process
Test System, Assay or Examination:
Organon Teknika Fibriquik

Analyte: Fibronectin

Category: Automated or semi-automated procedures that do require operator intervention during the analytic process
Test System, Assay or Examination:
Instrumentation Laboratory Multistat III
Instrumentation Laboratory Multistat III Plus

Analyte: Hemoglobin

Category: Manual procedures with multiple steps in sample/reagent preparation or analytic process
Test System, Assay or Examination:
Mallinckrodt Serometer 370
Pointe Scientific 180 Chemistry Analyzer
Seradyn Hemoglobin Determination
Seradyn Quick-Chem II
Seragen Quick-Chem
Seragen StatEase
SmithKline Diagnostics ESKALAB–CCS
Stanbio Premiere

Analyte: Hemoglobin A1

Category: Manual procedures with multiple steps in sample/reagent preparation or analytic process
Test System, Assay or Examination:
Helena Laboratories Heme Spec Plus

Analyte: Hemoglobin A2

Category: Manual procedures with multiple steps in sample/reagent preparation or analytic process
Test System, Assay or Examination:
Helena Laboratories Heme Spec Plus
Isolab Quik-Sep Hemoglobin A2 Test System

Analyte: Hemoglobin Fractions

Category: Electrophoretic separations
Test System, Assay or Examination:
Helena Laboratories Hemoglobin Electrophoresis
Helena Laboratories REP Hemoglobin-30 IEF Procedure
Helena Laboratories Titan III Hgb ID Electrophoresis
Helena Laboratories Titan IV Citrate Hgb Electrophoresis
Isolab Resolve-Hb

Analyte: Hemoglobin S

Category: Manual procedures with multiple steps in sample/reagent preparation or analytic process
Test System, Assay or Examination:
Helena Laboratories Heme Spec Plus

Analyte: Heparin

Category: Automated or semi-automated procedures that do require operator intervention during the analytic process
Test System, Assay or Examination:
Bio/Data PAP–4C
Diagnostica Stago ST4
Helena Laboratories Chromogenic Systems Analyzer 1200
Instrumentation Laboratory IL ACL 200
Instrumentation Laboratory IL ACL 2000
Instrumentation Laboratory IL ACL 300
Instrumentation Laboratory IL ACL 3000
Instrumentation Laboratory IL ACL 3000 Plus
Instrumentation Laboratory Multistat III
Instrumentation Laboratory Multistat III Plus
Medical Laboratories MLA Electra 900 C

Category: Manual procedures with multiple steps in sample/reagent preparation or analytic process
Test System, Assay or Examination:
LAbor COA System

Analyte: Leukocyte Aggregation

Category: Automated or semi-automated procedures that do require operator intervention during the analytic process
Test System, Assay or Examination:
Bio/Data PAP–4

Bio/Data PAP–4C

Analyte: Malarial Parasite

Category: Automated or semi-automated procedures that do require operator intervention during the analytic process
Test System, Assay or Examination:
Becton Dickinson QBC Blood Parasite Detection Method

Analyte: Plasmin

Category: Automated or semi-automated procedures that do require operator intervention during the analytic process
Test System, Assay or Examination:
Instrumentation Laboratory Multistat III
Instrumentation Laboratory Multistat III Plus

Analyte: Plasminogen

Category: Automated or semi-automated procedures that do require operator intervention during the analytic process
Test System, Assay or Examination:
Bio/Data PAP–4C
Helena Laboratories Chromogenic Systems Analyzer 1200
Instrumentation Laboratory IL ACL 200
Instrumentation Laboratory IL ACL 2000
Instrumentation Laboratory IL ACL 300
Instrumentation Laboratory IL ACL 3000
Instrumentation Laboratory IL ACL 3000 Plus
Medical Laboratories MLA Electra 1000 C
Medical Laboratories MLA Electra 900 C

Analyte: Plasminogen Activator Inhibitor (PAI)

Category: Automated or semi-automated procedures that do require operator intervention during the analytic process
Test System, Assay or Examination:
Helena Laboratories Chromogenic Systems Analyzer 1200

Analyte: Platelet Aggregation

Category: Automated or semi-automated procedures that do require operator intervention during the analytic process
Test System, Assay or Examination:
Bio/Data PAP–4
Bio/Data PAP–4C
Helena Laboratories PACKS–4

Analyte: Prekallikrein

Category: Automated or semi-automated procedures that do require operator intervention during the analytic process
Test System, Assay or Examination:
Helena Laboratories Chromogenic Systems Analyzer 1200

Analyte: Protein C

Category: Automated or semi-automated procedures that do require operator intervention during the analytic process
Test System, Assay or Examination:
Bio/Data PAP–4C
Diagnostica Stago ST4
Helena Laboratories Chromogenic Systems Analyzer 1200
Instrumentation Laboratory IL ACL 100
Instrumentation Laboratory IL ACL 1000
Instrumentation Laboratory IL ACL 200
Instrumentation Laboratory IL ACL 2000
Instrumentation Laboratory IL ACL 300
Instrumentation Laboratory IL ACL 3000
Instrumentation Laboratory IL ACL 3000 Plus
Medical Laboratories MLA Electra 1000 C
Medical Laboratories MLA Electra 900
Medical Laboratories MLA Electra 900 C
Ortho Koagulab 32–S
Category: Manual procedures with multiple steps in sample/reagent preparation or analytic process
Test System, Assay or Examination:
LAbor COA Data 2000
LAbor COA Screener
LAbor COA System
Sigma AccuStasis 2000

Analyte: Protein S

Category: Automated or semi-automated procedures that do require operator intervention during the analytic process
Test System, Assay or Examination:
Diagnostica Stago ST4
Category: Manual procedures with multiple steps in sample/reagent preparation or analytic process
Test System, Assay or Examination:
Labor COA Screener

Analyte: Red Blood Cell Count (Erythrocyte Count)

Category: Automated or semi-automated procedures that do require operator intervention during the analytic process
Test System, Assay or Examination:
Coulter D2
Coulter FN

Analyte: Semen

Category: Automated or semi-automated procedures that do require operator intervention during the analytic process
Test System, Assay or Examination:
Hamilton-Thorn HTM–IVOS (morphology)
Category: Microscopic evaluation and/or enumeration of cells, formed elements, or microorganisms in unstained prepartions
Test System, Assay or Examination:
All Manual Semen Analyses (count and morphology)

Analyte: Thrombin Time

Category: Automated or semi-automated procedures that do require operator intervention during the analytic process
Test System, Assay or Examination:
Instrumentation Laboratory Multistat III
Instrumentation Laboratory Multistat III Plus

Analyte: Tissue Plasminogen Activator (t-PA)

Category: Automated or semi-automated procedures that do require operator intervention during the analytic process
Test System, Assay or Examination:
Helena Laboratories Chromogenic Systems Analyzer 1200

Analyte: White Blood Cell Count (Leukocyte Count)

Category: Automated or semi-automated procedures that do require operator intervention during the analytic process
Test System, Assay or Examination:
Coulter D2
Coulter FN

Analyte: Whole Blood Clotting Time

Category: Automated or semi-automated procedures that do require operator intervention during the analytic process
Test System, Assay or Examination:
Haemoscope Thromboelastograph (quantitative procedure)
Logos elvi 816 Bi Clot (quantitative procedure)
Sienco SONOCLOT Coagulation Analyzer (quant. procedure)
Sienco SONOCLOT II Surgical Analyzer (quant. procedure)

Analyte: von Willebrand Factor

Category: Automated or semi-automated procedures that do require operator intervention during the analytic process
Test System, Assay or Examination:

Bio/Data PAP–4
Bio/Data PAP–4C

Analyte: von Willebrand Factor (Ristocetin Cofactor)

Category: Automated or semi-automated procedures that do require operator intervention during the analytic process
Test System, Assay or Examination:
Helena Laboratories PACKS–4
Speciality/Subspeciality:
Mycobacteriology

Analyte: Mycobacteria

Category: Manual procedures with multiple steps in sample/reagent preparation or analytic process
Test System, Assay or Examination:
All Organism Identification from Pure Culture
Becton Dickinson BACTEC TB System (Susceptibility Test)
Speciality/Subspeciality: Mycology

Analyte: Blastomyces dermatitidis

Category: Manual procedures with multiple steps in sample/reagent preparation or analytic process
Test System, Assay or Examination:
Immuno-Mycologics Exo-Antigen Test Kit

Analyte: Coccidioides immitis

Category: Manual procedures with multiple steps in sample/reagent preparation or analytic process
Test System, Assay or Examination:
Immuno-Mycologics Exo-Antigen Test Kit

Analyte: Dermatophytes

Category: Manual procedures with multiple steps in sample/reagent preparation or analytic process
Test System, Assay or Examination:
Orion Diagnostica Oricult-DTM (microculture method)

Analyte: Fungi

Category: Manual procedures with multiple steps in sample/reagent preparation or analytic process
Test System, Assay or Examination:
All Fungi Identification from Pure Culture

Analyte: Histoplasma capsulatum

Category: Manual procedures with multiple steps in sample/reagent preparation or analytic process
Test System, Assay or Examination:
Immuno-Mycologics Exo-Antigen Test Kit

Analyte: Yeast

Category: Automated or semi-automated procedures that do require operator intervention during the analytic process
Test System, Assay or Examination:
Baxter AutoSCAN Walk/Away
Baxter MicroScan AutoSCAN 4
Category: Microscopic evaluations of direct specimens in microbiology or parasitology
Test System, Assay or Examination:
All India Ink Preparations

Analyte: Yeast, Candida only

Category: Manual procedures with multiple steps in sample/reagent preparation or analytic process
Test System, Assay or Examination:
Immuno-Mycologics LA-Candida
Ramco CAND–TEC Candida Detection System

Analyte: Yeast, Cryptococcus only

Category: Manual procedures with multiple steps in sample/reagent preparation or analytic process
Test System, Assay or Examination:
Immuno-Mycologics Latex-Crypto
Meridian Premier Cryptococcal Ag (dir Ag/visual)
Wampole Crypto-LA Test
Speciality/Subspeciality: Parasitology

Analyte: Intestinal parasites

Category: Manual procedures with multiple steps in sample/reagent preparation or analytic process
Test System, Assay or Examination:
Alexon Biomed. ProSpecT Giardia Microtiter (dir Ag/spectro)
Alexon Biomedical ProSpecT Giardia Microtiter (dir Ag/vis)
Alexon ProSpecT Cryptosporidium Microtiter (dir Ag/spectro)
Alexon ProSpecT/Giardia (direct antigen/visual)
LMD Laboratories Cryptosporidium Ag Detect. Microtiter(vis)
LMD Laboratories G. lamblia Ag Detect. Microtiter (spectro)
LMD Laboratories G. lamblia Ag Detect. Microtiter (visual)
Seradyn Color Vue—Cryptosporidium (dir Ag/spectrophoto)
Seradyn Color Vue—Cryptosporidium (direct Ag/visual)
Seradyn Color Vue—Giardia (dir Ag/spectrophoto)
Seradyn Color Vue—Giardia (direct Ag/visual)
Category: Test kits requiring microscopic evaluations
Test System, Assay or Examination:
Meridian Diagnostics MERIFLUOR Cryptosporidium
Meridian Diagnostics MERIFLUOR Cryptosporidium/Giardia
Meridian Diagnostics MERIFLUOR Giardia

Analyte: Pneumocystis

Category: Test kits requiring microscopic evaluations
Test System, Assay or Examination:
Meridian Diagnostics MERIFLUOR Pneumocystis

Analyte: Trichomonas

Category: Test kits requiring microscopic evaluations
Test System, Assay or Examination:
Scimedx Trichomonas Test System
Speciality/Subspeciality: Toxicology/TDM

Analyte: Acetaminophen

Category: Manual procedures with multiple steps in sample/reagent preparation or analytic process
Test System, Assay or Examination:
GDS Diagnostics Enzymatic Test Kit
Sherwood Medical Rapid Stat Diagnostic Kit
Stanbio Test Kit
Syva Emit Qst Acetaminophen Assay

Analyte: Acetylcholine/choline

Category: Manual procedures with multiple steps in sample/reagent preparation or analytic process
Test System, Assay or Examination:
Bioanalytical System BAS 482
Bioanalytical Systems BAS 200A
Bioanalytical Systems BAS 480
Bioanalytical Systems BAS 481

Analyte: Amikacin

Category: Automated or semi-automated procedures that do require operator intervention during the analytic process
Test System, Assay or Examination:
Instrumentation Laboratory Multistat III
Instrumentation Laboratory Multistat III Plus

Analyte: Amphetamines

Category: Automated or semi-automated procedures that do require operator intervention during the analytic process
Test System, Assay or Examination:
Instrumentation Laboratory Multistat III
Instrumentation Laboratory Multistat III Plus
Category: Manual procedures with multiple steps in sample/reagent preparation or analytic process
Test System, Assay or Examination:
Immunotech Microzyme EIA (spectrophotometric)
Roche Abuscreen RIA
Syva Emit st Drug Detection System
Syva Qstat/Qst System

Analyte: Barbiturates

Category: Automated or semi-automated procedures that do require operator

intervention during the analytic process
Test System, Assay or Examination:
Instrumentation Laboratory Multistat III
Instrumentation Laboratory Multistat III Plus
Category: Manual procedures with multiple steps in sample/reagent preparation or analytic process
Test System, Assay or Examination:
Roche Abuscreen RIA
Syva Emit st Drug Detection System
Syva Qstat/Qst System

Analyte: Benzodiazepines

Category: Automated or semi-automated procedures that do require operator intervention during the analytic process
Test System, Assay or Examination:
Bio-Rad HPLC
Instrumentation Laboratory Multistat III
Instrumentation Laboratory Multistat III Plus
Category: Manual procedures with multiple steps in sample/reagent preparation or analytic process
Test System, Assay or Examination:
Diagnostic Products Corp. Coat-A-Count IRMA
Roche Abuscreen RIA
Syva Emit st Drug Detection System
Syva Qstat/Qst System

Analyte: Benzodiazepines, Urine

Category: Manual procedures with multiple steps in sample/reagent preparation or analytic process
Test System, Assay or Examination:
Syva Emit st Drug Detection System

Analyte: Cannabinoids (THC)

Category: Automated or semi-automated procedures that do require operator intervention during the analytic process
Test System, Assay or Examination:
Instrumentation Laboratory Multistat III
Instrumentation Laboratory Multistat III Plus
Category: Manual procedures with multiple steps in sample/reagent preparation or analytic process
Test System, Assay or Examination:
Immunotech Microzyme EIA (spectrophotometric)
Roche Abuscreen RIA
Syva Emit st Drug Detection System
TOXI–LAB Cannabinoid (THC) Screen
TOXI–LAB Cannabinoid (THC) Screen THC–PLUS
TOXI–LAB THC II
TOXI–LAB THC II–PLUS

Analyte: Carbamazepine

Category: Automated or semi-automated procedures that do require operator intervention during the analytic process
Test System, Assay or Examination:
Instrumentation Laboratory Multistat III
Instrumentation Laboratory Multistat III Plus
Category: Manual procedures with multiple steps in sample/reagent preparation or analytic process
Test System, Assay or Examination:
Syva Qstat/Qst System

Analyte: Cocaine Metabolites

Category: Automated or semi-automated procedures that do require operator intervention during the analytic process
Test System, Assay or Examination:
Instrumentation Laboratory Multistat III
Instrumentation Laboratory Multistat III Plus
Category: Manual procedures with multiple steps in sample/reagent preparation or analytic process
Test System, Assay or Examination:
Immunotech Microzyme EIA (spectrophotometric)
Serex CoMA Cocaine Metabolite Assay
Syva Emit st Drug Detection System
Syva Qstat/Qst System

Analyte: Cyclosporine

Category: Automated or semi-automated procedures that do require operator intervention during the analytic process
Test System, Assay or Examination:
Bio-Rad HPLC

Analyte: Digitoxin

Category: Manual procedures with multiple steps in sample/reagent preparation or analytic process
Test System, Assay or Examination:
Immunotech ENDAB EIA Kit

Analyte: Digoxin

Category: Automated or semi-automated procedures that do require operator intervention during the analytic process
Test System, Assay or Examination:
Bio-Chem Laboratory Systems ATAC 2100
Category: Manual procedures with multiple steps in sample/reagent preparation or analytic process
Test System, Assay or Examination:
Immunotech ENDAB EIA Kit
Immunotech EZ–BEAD EIA Kit

Analyte: Disopyramide

Category: Automated or semi-automated procedures that do require operator intervention during the analytic process
Test System, Assay or Examination:
Instrumentation Laboratory Multistat III
Instrumentation Laboratory Multistat III Plus

Analyte: Drugs of Abuse

Category: Automated or semi-automated procedures that do require operator intervention during the analytic process
Test System, Assay or Examination:
Bio-Rad REMEDi Drug Profiling System
Category: Manual procedures with multiple steps in sample/reagent preparation or analytic process
Test System, Assay or Examination:
Bioanalytical System BAS 482
Bioanalytical Systems BAS 200A
Bioanalytical Systems BAS 480
Bioanalytical Systems BAS 481
TOXI–LAB A Drug Detection System
TOXI–LAB B Drug Detection System
TOXI–LAB Drug Detection System A-PLUS
TOXI–LAB Drug Detection System B-PLUS
TOXI–LAB Special Procedure
TOXI–LAB Validation Procedure

Analyte: Ethanol (Alcohol)

Category: Automated or semi-automated procedures that do require operator intervention during the analytic process
Test System, Assay or Examination:
Instrumentation Laboratory Multistat III
Instrumentation Laboratory Multistat III Plus
Category: Manual procedures with multiple steps in sample/reagent preparation or analytic process
Test System, Assay or Examination:
Reagents Applications RAICHEM Test Kit
Syva Emit st Drug Detection System

Analyte: Ethosuximide

Category: Automated or semi-automated procedures that do require operator intervention during the analytic process
Test System, Assay or Examination:
Instrumentation Laboratory Multistat III
Instrumentation Laboratory Multistat III Plus
Category: Manual procedures with multiple steps in sample/reagent preparation or analytic process
Test System, Assay or Examination:
Syva Qstat/Qst System

Analyte: Ethylene Glycol

Category: Automated or semi-automated procedures that do require operator intervention during the analytic process
Test System, Assay or Examination:
Instrumentation Laboratory Multistat III
Instrumentation Laboratory Multistat III Plus

Analyte: Gentamicin

Category: Automated or semi-automated procedures that do require operator intervention during the analytic process
Test System, Assay or Examination:
Instrumentation Laboratory Multistat III
Instrumentation Laboratory Multistat III Plus

Analyte: Lidocaine

Category: Automated or semi-automated procedures that do require operator intervention during the analytic process
Test System, Assay or Examination:
Instrumentation Laboratory Multistat III
Instrumentation Laboratory Multistat III Plus

Analyte: Lysergic Acid Diethylamide (LSD)

Category: Manual procedures with multiple steps in sample/reagent preparation or analytic process
Test System, Assay or Examination:
Roche Abuscreen RIA

Analyte: Metanephrines, Urine

Category: Automated or semi-automated procedures that do require operator intervention during the analytic process
Test System, Assay or Examination:
Bio-Rad HPLC

Analyte: Methadone

Category: Automated or semi-automated procedures that do require operator intervention during the analytic process
Test System, Assay or Examination:
Instrumentation Laboratory Multistat III
Instrumentation Laboratory Multistat III Plus
Category: Manual procedures with multiple steps in sample/reagent preparation or analytic process
Test System, Assay or Examination:
Syva Emit st Drug Detection System
Syva Qstat/Qst System

Analyte: Methamphetamines

Category: Manual procedures with multiple steps in sample/reagent preparation or analytic process
Test System, Assay or Examination:
Roche Abuscreen RIA

Analyte: Methaqualone

Category: Manual procedures with multiple steps in sample/reagent preparation or analytic process
Test System, Assay or Examination:
Roche Abuscreen RIA
Syva Emit st Drug Detection System

Analyte: Methotrexate

Category: Automated or semi-automated procedures that do require operator intervention during the analytic process
Test System, Assay or Examination:
Instrumentation Laboratory Multistat III
Instrumentation Laboratory Multistat III Plus

Analyte: Morphine

Category: Manual procedures with multiple steps in sample/reagent preparation or analytic process
Test System, Assay or Examination:
Roche Abuscreen RIA

Analyte: N-Acetylprocainamide (NAPA)

Category: Automated or semi-automated procedures that do require operator intervention during the analytic process
Test System, Assay or Examination:
Instrumentation Laboratory Multistat III
Instrumentation Laboratory Multistat III Plus

Analyte: Opiates

Category: Automated or semi-automated procedures that do require operator intervention during the analytic process
Test System, Assay or Examination:
Instrumentation Laboratory Multistat III
Instrumentation Laboratory Multistat III Plus
Category: Manual procedures with multiple steps in sample/reagent preparation or analytic process
Test System, Assay or Examination:
Immunotech Microzyme EIA (spectrophotometric)
Syva Emit st Drug Detection System
Syva Qstat/Qst System
TOXI–LAB Opiate Procedure

Analyte: Phencyclidine (PCP)

Category: Automated or semi-automated procedures that do require operator intervention during the analytic process
Test System, Assay or Examination:
Instrumentation Laboratory Multistat III
Instrumentation Laboratory Multistat III Plus
Category: Manual procedures with multiple steps in sample/reagent preparation or analytic process
Test System, Assay or Examination:
Immunotech Microzyme EIA (spectrophotometric)
Roche Abuscreen RIA
Syva Emit st Drug Detection System
Syva Qstat/Qst System

Analyte: Phenobarbital

Category: Automated or semi-automated procedures that do require operator intervention during the analytic process
Test System, Assay or Examination:
Bio-Chem Laboratory Systems ATAC 2100
Instrumentation Laboratory Multistat III
Instrumentation Laboratory Multistat III Plus
Category: Manual procedures with multiple steps in sample/reagent preparation or analytic process
Test System, Assay or Examination:
Immunotech ENDAB EIA Kit
Syva Qstat/Qst System

Analyte: Phenytoin

Category: Automated or semi-automated procedures that do require operator intervention during the analytic process
Test System, Assay or Examination:
Instrumentation Laboratory Multistat III
Instrumentation Laboratory Multistat III Plus
Category: Manual procedures with multiple steps in sample/reagent preparation or analytic process
Test System, Assay or Examination:
Immunotech ENDAB EIA Kit
Syva Qstat/Qst System

Analyte: Primidone

Category: Automated or semi-automated procedures that do require operator intervention during the analytic process
Test System, Assay or Examination:
Instrumentation Laboratory Multistat III
Instrumentation Laboratory Multistat III Plus
Category: Manual procedures with multiple steps in sample/reagent preparation or analytic process
Test System, Assay or Examination:
Syva Qstat/Qst System

Analyte: Procainamide

Category: Automated or semi-automated procedures that do require operator intervention during the analytic process
Test System, Assay or Examination:
Instrumentation Laboratory Multistat III
Instrumentation Laboratory Multistat III Plus

Analyte: Quinidine

Category: Automated or semi-automated procedures that do require operator intervention during the analytic process
Test System, Assay or Examination:
Instrumentation Laboratory Multistat III
Instrumentation Laboratory Multistat III Plus

Analyte: Salicylates

Category: Automated or semi-automated procedures that do require operator intervention during the analytic process
Test System, Assay or Examination:
Instrumentation Laboratory Multistat III
Instrumentation Laboratory Multistat III Plus
Category: Manual procedures with multiple steps in sample/reagent preparation or analytic process
Test System, Assay or Examination:
GDS Diagnostics Enzymatic Test Kit
Sherwood Medical Rapid Stat Diagnostic Kit
Stanbio Test Kit

Analyte: Theophylline

Category: Automated or semi-automated procedures that do require operator intervention during the analytic process
Test System, Assay or Examination:
Bio-Chem Laboratory Systems ATAC 2100
Instrumentation Laboratory Multistat III
Instrumentation Laboratory Multistat III Plus
Category: Manual procedures with multiple steps in sample/reagent preparation or analytic process
Test System, Assay or Examination:
GDS Diagnostics Enzymatic Test Kit
Immunotech EZ-BEAD EIA Kit
Stanbio Premiere

Analyte: Tobramycin

Category: Automated or semi-automated procedures that do require operator intervention during the analytic process
Test System, Assay or Examination:
Instrumentation Laboratory Multistat III
Instrumentation Laboratory Multistat III Plus

Analyte: Tricyclic Antidepressants

Category: Automated or semi-automated procedures that do require operator intervention during the analytic process
Test System, Assay or Examination:
Bio-Rad HPLC
Category: Manual procedures with multiple steps in sample/reagent preparation or analytic process
Test System, Assay or Examination:
Syva Emit st Drug Detection System

Analyte: Valproic Acid

Category: Automated or semi-automated procedures that do require operator intervention during the analytic process
Test System, Assay or Examination:
Instrumentation Laboratory Multistat III
Instrumentation Laboratory Multistat III Plus

Analyte: Vanillylmandelic Acid (VMA)

Category: Automated or semi-automated procedures that do require operator intervention during the analytic process
Test System, Assay or Examination:
Bio-Rad HPLC
Speciality/Subspeciality: Virology

Analyte: Adenovirus

Category: Manual procedures with multiple steps in sample/reagent preparation or analytic process
Test System, Assay or Examination:
Analytab API Adenovirus Test Kit (inc. cell culture/spectro)
Analytab API Adenovirus Test Kit-EIA (dir Ag/visual)
Analytab API Adenovirus Test Kit-EIA (dir. Ag/spectrophoto)
Analytab API Adenovirus Type 40/41 EIA (dir Ag/visual)
Cambridge Biotech Adenoclone-EIA (direct Ag/spectrophoto)
Cambridge Biotech Adenoclone-EIA (inc. cell cult./spectro)
Cambridge Biotech Adenoclone-EIA (including cell culture)
Cambridge Biotech Adenoclone-type 40/41 (dir.Ag/spectropho)
Category: Test kits requiring microscopic evaluations
Test System, Assay or Examination:
Gull Laboratories Adenovirus Test (including cell culture)

Analyte: Cytomegalovirus

Category: Test kits requiring microscopic evaluations
Test System, Assay or Examination:
Gull Laboratories CMV-EA Test (including cell culture)

Analyte: Herpes simplex

Category: Automated or semi-automated procedures that do require operator intervention during the analytic process
Test System, Assay or Examination:
Vitek Systems Vidas (direct antigen)
Vitek Systems Vidas (including cell culture)
Category: Manual procedures with multiple steps in sample/reagent preparation or analytic process
Test System, Assay or Examination:
Du Pont HERPCHEK HSV Antigen Test (dir Ag/spectrophoto)
Fairleigh Dickinson ELISA for HSV (dir Ag/spectrophoto)
Fairleigh Dickinson ELISA for HSV (dir Ag/visual)
Fairleigh Dickinson ELISA for HSV (inc. cell cult./spectro)
Fairleigh Dickinson ELISA for HSV (inc. cell culture/visual)
Ortho HSV Antigen ELISA Test (dir.Ag/spectrophotometric)
Ortho HSV Antigen ELISA Test (incl. cell culture/spectro)
Category: Test kits requiring microscopic evaluations
Test System, Assay or Examination:
Baxter Bartels HSV Immunoperoxidase Test incl. cell culture
Syva MicroTrak HSV Culture Ident. Test (incl. cell culture)
Syva MicroTrak HSV-1/HSV-2 Direct Spec ID/Typ Test (dir Ag)

Analyte: Human Papillomavirus (HPV)

Category: Manual procedures with multiple steps in sample/reagent preparation or analytic process
Test System, Assay or Examination:
Digene ViraPap (direct antigen)
Digene ViraType (direct antigen)

Analyte: Respiratory syncitial virus

Category: Manual procedures with multiple steps in sample/reagent preparation or analytic process
Test System, Assay or Examination:
Ortho RSV Antigen ELISA Test (dir. Ag/spectrophometric)
Category: Test kits requiring microscopic evaluations
Test System, Assay or Examination:
Gull Laboratories RSV-MAb Test (including cell culture)
Vitek RSV Direct IF (direct antigen)

Analyte: Respiratory syncytial virus

Category: Automated or semi-automated procedures that do require operator intervention during the analytic process
Test System, Assay or Examination:
Vitek Systems Vidas (direct antigen)

Category: Manual procedures with multiple steps in sample/reagent preparation or analytic process
Test System, Assay or Examination:
Sanofi/Kallestad Pathfinder RSV (direct antigen/visual)
Category: Test kits requiring microscopic evaluations
Test System, Assay or Examination:
Gull Laboratories RSV-MAb Test (direct antigen)

Analyte: Respiratory viruses (Influenza A&B, parainfluenza)

Category: Test kits requiring microscopic evaluations
Test System, Assay or Examination:
Gull Laboratories Influenza A Test (including cell culture)
Gull Laboratories Influenza B Test (including cell culture)

Analyte: Rotavirus

Category: Manual procedures with multiple steps in sample/reagent preparation or analytic process
Test System, Assay or Examination:
Abbott Rotazyme II Diag. Kit (dir.Ag/visual)
Analytab API RotaVirus (dir.Ag/spectrophotometric)
Analytab API RotaVirus Test Kit (dir.Ag/visual)
Cambridge Biotech Rotaclone (direct Ag/spectrophotometric)
Cambridge Biotech Rotaclone (direct antigen/visual)
Isolab RotaVirus EIA (direct antigen/spectrophotometric)
Isolab RotaVirus EIA (direct antigen/visual)
Sanofi/Kallestad Pathfinder RotaVirus (dir.Ag/visual)

Analyte: Viruses

Category: Manual procedures with multiple steps in sample/reagent preparation or analytic process
Test System, Assay or Examination:
All Virus Identification from Pure Isolates

Corrections to the Specific List for Categorization of Laboratory Test Systems, Assays and Examinations by Complexity Published as a Notice in the Federal Register on February 28, 1992

The following corrections to the list of test systems, assays and examinations published previously in the **Federal Register** were made based on supplemental information provided by the commenters during the comment period or as a result of corrections of data entry errors.

Recategorizations

Particular test systems, assays, and examinations were recategorized when they were rescored under 42 CFR 493.17 using new information as discussed below.

The Ciba Corning 170 and the Ciba Corning 178 analyzers for blood gas with pH have been recategorized from high to moderate complexity. This change in complexity is the result of information supplied by the manufacturer of the Ciba Corning analyzers indicating that, when using these models, the analyst is not required to manually flush lines, calibrate parameters or introduce the sample in a manner that is any more complex than routine sample introduction into any blood gas instrument.

The Sysmex R-1000, an automated instrument for reticulocyte counts has been recategorized from high to moderate complexity. Information supplied by the manufacturer indicated that, for normal operation, the analyst is not required to interpret a histogram to arrive at a final result. The instrument has a direct read-out for total reticulocyte count.

The Becton Dickinson BBL-Tube Test, the Difco Bacto-Tube Test and the Gamma Biologicals Tube Test for febrile agglutinins have all been recategorized from high to moderate complexity. After consultation with laboratory professionals and reevaluation of information from manufacturers, it was determined that the level of skill required to perform these procedures was not as specialized nor were the procedures as complex as originally determined.

The Vitek Systems Vidas for respiratory syncytial virus, Chlamydia, and Clostridium difficile has been recategorized from moderate to high complexity. Supplemental information on this test system was received from laboratory professionals with experience performing the procedure and was verified through product inserts submitted by the manufacturer. Based on this information, the procedure for preparation of the sample before placing on the Vidas instrument was determined to be technically complex with multiple steps that included volumetric addition of reagents, precise temperature control, exact timing requirements and mechanical vortexing. The complexity of the procedure for sample preparation also requires a higher level of training and experience than was originally indicated.

During the open comment period for the list of test systems, assays and examinations published as a Notice in the **Federal Register** on February 28, 1992, comments were received suggesting that aspects of microbiology should be categorized as high complexity. Comments specifically targeted the degree of interpretation and judgment required to identify organisms grown in culture media. In response to these comments, this aspect of microbiology has been reevaluated and revised to recognize that the isolation, identification, and susceptibility determination of organisms transferred from culture media constitute a total process which should be categorized as a single test. Identifications and/or susceptibility determinations of organisms transferred from culture require significant knowledge, training, and interpretation for the selection and performance of the individual test components which may include staining for microscopic evaluation, subculturing, and conducting miscellaneous biochemical analyses. Therefore, microbiology procedures involving identification and/or susceptibility determinations of organisms transferred from culture media have been placed in the high complexity category regardless of the specimen source.

Some products are categorized as moderate complexity because they do not require the transfer of organisms and they only provide preliminary results (i.e., colony counts). Additionally, we have graded for complexity only those products that are generally recognized as complete identification systems although additional test components (i.e., culture interpretation and gram stain) are required.

We reevaluated antigen detection systems in the area of microbiology and agreed that some recategorizations were necessary due to the amount of interpretation, judgment, and training required for these procedures. Supplemental information on these tests was received from laboratory professionals with experience performing the procedures and was verified through product inserts submitted by manufacturers. Based on this information, many of the procedures were determined either to be technically complex with multiple steps that included extensive sample and reagent preparation, precise temperature control and exact timing requirements or to require a high level of interpretation and judgment. Additionally, the complexity of some of the tests required a higher level of training and experience to perform the procedure than was originally indicated.

As a result of the reevaluation of the area of microbiology, the following analyte/test systems entries published on February 28, 1992 as moderate

complexity have been recategorized to high complexity:

Adenovirus

Analytab API Adenovirus Test Kit-EIA (dir. Ag/visual)
Analytab API Adenovirus Type 40/41 EIA (dir. Ag/visual)
Cambridge Biotech Adenoclone-EIA (dir. Ag/visual)
Cambridge Biotech Adenoclone-type 40/41 (dir. Ag/visual)

Aerobic and/or Anaerobic Organisms—Unlimited Sources

All Manual KB Disc Diffus Antimicrobial Susceptibility Tests
Vitek Systems VITEK

Campylobacter

Becton Dickinson BBL Campyslide Test (from culture)
Meridian Diagnostics Meritec-Campy (JCL) (from culture)

Chlamydia

Analytab API IDEIA (direct antigen/visual)

Escherichia coli

Bio-Medical ANI E. coli 0157 Test (from culture)
Pro-Lab Diagnostics E. coli 0157 Latex Test (from culture)
Unipath E. coli 0157 Latex Kit (from culture)

Haemophilus Influenzae, Type a, c–f

Karobio Phadebact Haemophilus (from culture)

Haemophilus Influenzae, Type b

Karobio Phadebact Haemophilus (from culture)

Herpes Simplex

Fairleigh Dickinson ELISA for HSV (dir Ag/visual)

Intestinal Parasites

Alexon Biomed. ProSpecT Giardia Microtiter (dir Ag/visual)

Neisseria Gonorrhoeae

Adams Scientific Identicult—Neisseria
Culture Kits, Inc. Goni-Kit
Karobio Phadebact Monoclonal Gonococcus (from culture)
Medical Technology Corp. Biocult GC Culture Paddles
Meridian Diagnostics Meritec-GC (from culture)
New Horizons Gonogen (from culture)
New Horizons Gonogen II (from culture)

Respiratory Syncytial Virus

Sanofi/Kallestad Pathfinder RSV (direct antigen/visual)

Rotavirus

Abbott Rotazyme II Diag. Kit (dir Ag/visual)
Analytab API Rotavirus Test Kit (dir Ag/visual)
Cambridge Biotech Rotaclone (direct antigen/visual)
Isolab RotaVirus EIA (direct antigen/visual)
Sanofi/Kallestad Pathfinder Rotavirus (dir Ag/visual)

Salmonella

Bio-Medical ANI Salmonella Test (from culture)

Staphylococcus

Adams Scientific SeroStat II Staphylococcus
Advanced Medical Technologies Rapi-Staph
Analytab Staph-Ident
Baxter MicroScan StaphyLatex
Becton Dickinson BBL Staphyloslide
Bio-Medical ANI Staph aureus Test
Carr-Scarborough Accu-Staph
Difco Bacto Staph Latex Test
Immuno-Mycologics LA-Staph
Innovative Diagnostic Systems IDS Staphylochrome
Medical Diagnostics Technologies Staph Latex
NCS Staphslide
Regional Media Lab Hemastaph
Vitek Systems RAPIDEC Staph
Wellcome Staphaurex

Streptococcus, Group A

Abbott TestPack Strep A (from culture)
Adams Scientific SeroStat Streptococcus (from culture)
Antibodies Inc. Detect-A-Strep (from culture)
Becton Dickinson BBL Strep Grouping (from culture)
Culture Kits, Inc. Strep-Kit (from culture)
Diagnostic Products PathoDx LA Strep Group (from culture)
Karobio Phadebact Streptococcus (from culture)
Kodak SureCell (from cell culture)
Marion Scientific Group A Strep ID (from culture)
Medical Technology Corp. Optitec Strep A (from culture)
Medix Biotech Sure-Strep A (from culture)
Unipath Oxoid Streptococcal Grouping Kit (from culture)
V-Tech V-Trend Strep A (from culture)
Wellcome Reveal Colour Strep A (from culture)
Wellcome Streptex (from culture)

Streptococcus, Group B

Adams Scientific SeroStat Streptococcus (from culture)
Becton Dickinson BBL Strep Grouping (from culture)
Diagnostic Products PathoDx LA Strep Group (from culture)
Karobio Phadebact Streptococcus (from culture)
Meridian Diagnostics Meritec-Strep (from culture)
Unipath Oxoid Streptococcal Grouping Kit (from culture)
Wellcome Streptex (from culture)

Streptococcus, Group C

Adams Scientific SeroStat Streptococcus (from culture)
Diagnostic Products PathoDx LA Strep Group (from culture)
Karobio Phadebact Streptococcus (from culture)
Meridian Diagnostics Meritec-Strep (from culture)
Unipath Oxoid Streptococcal Grouping Kit (from culture)
Wellcome Streptex (from culture)

Streptococcus, Group D

Bio-Medical ANI Strep Test (from culture)
Diagnostic Products Corp. PathoDx Strep D (from culture)
Karobio Phadebact Streptococcus (from culture)
Unipath Oxoid Streptococcal Grouping Kit (from culture)
Wellcome Streptex (from culture)

Streptococcus, Group F

Adams Scientific SeroStat Streptococcus (from culture)
Diagnostic Products PathoDx LA Strep Group (from culture)
Karobio Phadebact Streptococcus (from culture)
Meridian Diagnostics Meritec-Strep (from culture)
Unipath Oxoid Streptococcal Grouping Kit (from culture)
Wellcome Streptex (from culture)

Streptococcus, Group G

Adams Scientific SeroStat Streptococcus (from culture)
Diagnostic Products PathoDx LA Strep Group (from culture)
Karobio Phadebact Streptococcus (from culture)
Meridian Diagnostics Meritec-Strep (from culture)
Unipath Oxoid Streptococcal Grouping Kit (from culture)
Wellcome Streptex (from culture)

Yeast, Cryptococcus Only

Meridian Premier Cryptococcal Ag Test (dir Ag/visual)

While reevaluating the area of microbiology and in response to

comments, we determined the categorization of gram stains as moderate complexity should be revised and clarified. The original entry of moderate complexity for gram stains has been deleted and replaced with the following two entries as reflected on this list of additions:

All Gram Stain Procedures—Urethral only (moderate complexity)
All Gram Stain Procedures—Sources other than Urethral (high complexity)

We determined that a gram stain on a urethral specimen requires less knowledge, training, and interpretation because the analyst is not required to recognize multiple organisms, there is less background material, and the enumeration of multiple cell types is not usually required. A gram stain from any other specimen source requires a higher level of knowledge, training, and interpretation to assess specimen quality, to determine the morphology of organisms, and to make decisions about further testing.

Deletions

The following test system entries in the area of microbiology as published on February 28, 1992 have been deleted from the list of test systems, assays and examinations categorized by complexity. These test system entries are not complete test systems and therefore will not be individually graded for complexity. Since all of these entries involved identification and/or susceptibility of organisms from culture, they represent components of a total test process that is high complexity:

Adams Scientific B. Cat Confirm
Adams Scientific Identicult—AE
Adams Scientific Identicult—BL
Adams Scientific Mug-Indole Disc
Adams Scientific Rapid-Hippurate
Adams Scientific Stat-Urease
American Biomedical Prod. B. Fragtex
Anaerobe Systems Bile Differential Disk
Anaerobe Systems Colistin 10 mcg. Differential Disk
Anaerobe Systems Kanamycin 1000 mcg Differential Disk
Anaerobe Systems Vancomycin 5 mcg Differential Disk
Analytab API An-Ident
Analytab API Germ Tube
Analytab API StaphTrac
Baxter Coagulase Plasma
Becton Dickinson Cefinase Discs
Calbiochem Padac Differentiation Discs
Calbiochem-Behring Anti-Dnase B
Carr Microbiologicals Beta Lactamase Reagent Disc
Carr Microbiologicals CSM Chromogenic B-Lactamase Disc
Carr Microbiologicals Hipp Microtube
Carr Microbiologicals Onpx-Indol Microtube
Carr Microbiologicals PYR Broth
Carr Microbiologicals PYR Discs
Carr Microbiologicals Pgua-Indol Microtube
Carr Microbiologicals Phos Microtubes
Carr Microbiologicals Pro Discs
Carr Microbiologicals Pyrr Microtubes
Carr-Scarborough ALN Differentiation Discs
Carr-Scarborough Acridine Orange Stain
Carr-Scarborough Rapid Glutamic Acid Decarboxy microtube
Diagnostic Products Corp. PathoDx PYR Kit
Difco Differentiation Discs ALA
Difco Differentiation Discs Colistin 10 mcg
Difco Differentiation Discs Erythromycin 60 mcg
Difco Differentiation Discs Hippurate
Difco Differentiation Discs Kanamycin 1000 mcg
Difco Differentiation Discs Nitrate
Difco Differentiation Discs Penicillin G 2 units
Difco Differentiation Discs Rifampin 15 mcg
Difco Differentiation Discs SPS
Difco Differentiation Discs Spectinomycin
Difco Differentiation Discs Vancomycin 5 mcg
Difco DrySlide Beta-Lactamase
Difco DrySlide Oxidase
Difco Spot Test 10% Na Desoxycholate
Difco Spot Test Acridine Orange Stain
E–Y Laboratories Oxidase Swabzyme
E–Y Laboratories Strep-A-Chek PYR
Innovative Diagnostic Systems Beta Discs
Innovative Diagnostic Systems Oxichrome Reagent
Innovative Diagnostic Systems Porphyrin Reagent
Innovative Diagnostic Systems Rap ANA II System
Kev Connecticut Diagnostics Visi-Strep
Meridian Indol Spot Test Kit
Micro Media Systems M. Cat. Butyrate Disc
Micro-Bio-Logics KWIK–LAC
Micro-Bio-Logics Lyfo-KWIK OMI Kit
Micro-Bio-Logics Neisseria-KWIK Plus
Microbiological Specialties Beta-ase Tubes
Microbiological Specialties Enzyme-ase I Tubes
Microbiological Specialties Galactosid-ase Tubes
Microtech Medical Systems Quadra-titer ID
Pro-Lab Hippurate Test
Pro-Lab Rosco D'Ala Rapid Test
Pro-Lab Rosco Pyrr
Remel ALA Disc
Remel Acridine Orange Stain
Remel Beta Lysin Disc
Remel Beta-Lactam Disc
Remel Bile Disc
Remel CEPH Lactam Disc
Remel Catarrhalis Test Strip
Remel Coagulase Plasma
Remel Colistin Disc
Remel Kanamycin Disc
Remel Legionella ID Disc
Remel Lysostaphin Test Kit
Remel Microdase
Remel Nitrate Swab-Rapid Test
Remel Novobiocin Disc
Remel PYR Disc
Remel PYR/Esculin Disc
Remel Porphyrin (ALA) Disc
Remel Pyridoxal Disc
Remel SPS Disc
Remel Urea-PDA Discs
Unipath Oxoid Bile Esculin Discs
Unipath Oxoid ONPG Discs
Unipath Oxoid Oxidase ID Sticks
Unipath Oxoid SPS Discs
Unipath Oxoid V Factor Discs
Unipath Oxoid X & V Factor Discs
Unipath Oxoid X Factor Discs

The following analyte/test systems entries have been deleted from the list because the entries for these test systems, as published on February 28, 1992, defined complexity by source which does not fit the criteria for grading by complexity. These test systems require identification from culture and, as reflected in the list of additional tests in this Notice, are high complexity regardless of the source:

Aerob Organ.—From ONLY Throat, Urine, or Cerv/Ureth

Analytab API 20 Streptococcus
Analytab API Laboratories Rapid E
Analytab API Laboratories Rapid NFT
Analytab API Laboratories Rapid Strep
Analytab API Quad Ferm +
Analytab API Staphase III
Analytab API ZYM Microorganism Differentiation
Baxter Haemophilus/Neisseria Identif—Panel
Becton Dickinson Cefinase Discs
Becton Dickinson Minitek Kits
Innovative Diagnostic Systems IDS Rapid SS/U System
Innovative Diagnostic Systems IDS Rapid STR System
Innovative Diagnostic Systems Modified IDS Rapid NH System
Innovative Diagnostic Systems Rap NF Plus System
Innovative Diagnostic Systems Rapid NF System

Micro Media Systems Bacterial ID Panels/Gram Neg/Gram Pos
Pro-Lab Neisseria/Branhamella Differential Test
Remel Haemophilus ID Test Kit
Remel Hemastaph
Roche Enterotube II
Vitek Systems Rapid E System

Yeast, C. Albicans Only

Analytab API 20C Yeast Identification Kits
Analytab Yeast Ident
Baxter MicroScan Rapid Yeast Identification Panel
Carr-Scarborough C. albicans Disc Screening Kit
Medical Wire Equip. MicroRing YT

The following test systems entries have been deleted from the list because they are procedures that are part of an automated system. A complete testing process involving an instrument includes both the automated procedure and individual identification procedures which is taken into account when the instrument is graded for complexity. The following entries, therefore, do not represent complete tests:

Aerob Organ.—From ONLY Throat, Urine, or Cerv/Ureth

Baxter MicroScan Gram Neg Panels
Baxter MicroScan Gram Pos Panels

Aerobic &/or Anaerobic Organisms—Unlimited Sources

Baxter MicroScan Gram Neg Panels
Baxter MicroScan Gram Pos Panels
Vitek Systems VITEK AMS ANA Card
Vitek Systems VITEK Anaerobe ID Card
Vitek Systems VITEK/ANI Anaerobes
Vitek Systems VITEK/Bacillus Biochem. card
Vitek Systems VITEK/EPS Enteric path. card

The following analyte/test system entries have been removed from the list because the test systems do not include a procedure for reporting a positive result without a titer. Therefore, the following test systems entries, as published on February 28, 1992, do not describe complete test procedures.

Yeast, Cryptococcus Only

Baxter MYCO-Immune Cryptococcal LA (dir Ag) (non-titration)
Meridian Cryptococcal LA System (dir Ag) (non-titration)

[FR Doc. 92–20988 Filed 9–1–92; 8:45 am]
BILLING CODE 4160–18–M

federal register

Wednesday
September 2, 1992

Part III

Department of the Interior

Bureau of Indian Affairs

25 CFR Parts 211 and 212

Leasing of Tribal Lands for Mineral Development; Leasing of Allotted Lands for Mineral Development; Proposed Rule

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

25 CFR Parts 211 and 212

Leasing of Tribal Lands for Mineral Development; Leasing of Allotted Lands for Mineral Development

August 25, 1992.

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Reopening of comment period; Notice of Public Hearings.

SUMMARY: The Bureau of Indian Affairs (BIA), Office of Trust and Economic Development, Division of Energy and Minerals, announces that it will reopen the comment period on the proposed 25 CFR parts 211 and 212 (published on November 21, 1991 at 56 FR 58734) for 60 days following the date of publication of this notice and will hold public hearings during the comment period in order to address comments expressed by tribal representatives, state and federal agencies and the general public.

DATES: Comments will be accepted until November 2, 1992. Public hearings will be held Friday, September 25, 1992 from 9 a.m. until 5 p.m., and Monday, September 28, 1992 from 9 a.m. until 5 p.m.

ADDRESSES: Comments should be submitted to Bureau of Indian Affairs, Mail Stop 4525–MIB, 1849 C Street NW., Washington, DC 20240.

Public hearings will be held on September 25, 1992 in the Lakewood Sheraton Hotel, Lakewood, Colorado and on September 28, 1992 at the Hyatt Regency Hotel in Albuquerque, New Mexico.

FOR FURTHER INFORMATION CONTACT: Richard N. Wilson, Chief, Division of Energy and Minerals, Bureau of Indian Affairs, 730 Simms Street, Lakewood Office Plaza, room 239, Golden, Colorado 80401; Telephone: (303) 231–5070 or Kim L. Snyder, Washington Liaison Officer, Division of Energy and Minerals, Bureau of Indian Affairs, Mail Stop 4525–MIB, 1849 C Street NW., Washington, DC 20240; Telephone: (202) 208–3611.

SUPPLEMENTARY INFORMATION: The policy of the Department of the Interior is whenever practical, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may either submit written comments on the proposed rule or participate in the public hearings.

David J. Matheson,

Acting Assistant Secretary—Indian Affairs.

[FR Doc. 92–20985 Filed 9–1–92; 8:45 am]

BILLING CODE 4310–02–M

federal register

Wednesday
September 2, 1992

Part IV

Department of Education

Transitional Bilingual Education Program; Special Alternative Instructional Program; Notice

DEPARTMENT OF EDUCATION

Transitional Bilingual Education Program; Special Alternative Instructional Program

AGENCY: Department of Education.

ACTION: Notice of final priority for Fiscal Year 1993.

SUMMARY: The Secretary announces an absolute priority for fiscal year (FY) 1993 under the Transitional Bilingual Education (TBE) Program and the Special Alternative Instructional (SAI) Program—two of the Basic Programs under part A of the Bilingual Education Act. The Secretary takes this action to focus Federal financial assistance on an identified national need. The priority is intended to improve the achievement of limited English proficient (LEP) students in mathematics and science.

EFFECTIVE DATE: This priority takes effect either 45 days after publication in the **Federal Register** or later if the Congress takes certain adjournments. If you want to know the effective date of this priority, call or write the Department of Education contact person.

FOR FURTHER INFORMATION CONTACT: Harry G. Logel, U.S. Department of Education, 400 Maryland Avenue, SW., room 5086, Switzer Building, Washington, DC 20202–6641. Telephone: (202) 205–9715. Deaf and hearing impaired individuals may call the Federal Dual Party Relay Service at 1–800–877–8339 (in the Washington, DC 202 area code, telephone 708–9300) between 8 a.m. and 7 p.m., Eastern time.

SUPPLEMENTARY INFORMATION: The TBE and SAI programs are authorized by section 7021 of the Bilingual Education Act (20 U.S.C. 3291). Grants are made to local educational agencies (LEAs) and institutions of higher education applying jointly with one or more LEAs to provide instructional services to LEP children. The TBE program provides structured English language instruction and, to the extent necessary to allow a LEP child to achieve competence in English, instruction in the child's native language. The SAI program provides structured English language instruction and special instructional services to help LEP children achieve competence in English. It allows, but does not require, instruction in the child's native language.

The Secretary announces an absolute priority for FY 1993 under the TBE and SAI programs to assist LEAs to improve the achievement of LEP students in mathematics and science. This priority supports the President's AMERICA 2000 strategy for helping the Nation move itself toward the National Education Goals, particularly Goal 3 and Goal 4. Goal 3 calls for all students to demonstrate competency in challenging subject matter, including English, mathematics, and science. Goal 4 calls for American students to be first in the world in science and mathematics achievement by the year 2000. The priority focuses TBE and SAI funds for new grants on these goals to help LEP students achieve competence in English, mathematics, and science.

On June 17, 1992, the Secretary published a notice of proposed priority for these programs in the **Federal Register** (57 FR 27035).

Note: This notice of final priority does not solicit applications. A notice inviting applications under this competition will be published in the **Federal Register** at a later date.

Public Comment

In the notice of proposed priority, the Secretary invited comments on the proposed priority. The Secretary did not receive any substantive comments. The Secretary has made no changes in this priority since publication of the notice of proposed priority.

Priority

Under 34 CFR 75.105(c)(3), the Secretary gives an absolute preference to applications that meet the following priority. The Secretary funds under this competition only applications that meet this absolute priority:

An instructional approach that emphasizes one or both of the following core curriculum areas in addition to English: Mathematics or science.

Intergovernmental Review

This program is subject to the requirements of Executive Order 12372 and the regulations in 34 CFR part 79. The objective of the Executive order is to foster an intergovernmental partnership and a strengthened federalism by relying on processes developed by State and local governments for coordination and review of proposed Federal financial assistance.

In accordance with the order, this document is intended to provide early notification of the Department's specific plans and actions for this program.

Applicable Program Regulations

34 CFR parts 500 and 501.

Program Authority: 20 U.S.C. 3291.

Dated: August 19, 1992.

Lamar Alexander,

Secretary of Education.

(Catalog of Federal Domestic Assistance Numbers: 84.003D Transitional Bilingual Education Program; and 84.003K Special Alternative Instructional Program)

[FR Doc. 92–21079 Filed 9–1–92; 8:45 am]

BILLING CODE 4000–01–M

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